

Litigation

Irell & Manella LLP is recognized as the home of one of the nation's premier litigation practices. Our talented attorneys have built this reputation by routinely accepting challenging and complex litigation matters throughout the nation and internationally, aggressively deploying our unique blend of creativity and intellectual resources on behalf of our clients, and achieving significant successes.

Breadth of Practice

Our litigation practice is as diverse as it is challenging. We have extensive experience representing clients in complex litigation matters involving all manner of complex commercial litigation; intellectual property disputes involving patents, copyrights, trademarks and trade secrets; securities class actions and other forms of investor litigations, including shareholder derivative suits; entertainment-related litigation; federal and state antitrust problems and unfair competitive practices litigation; environmental matters; labor and employment litigation and arbitration; corporate control contests; matters involving the news media; consumer protection matters; federal, state, and local tax disputes; white-collar criminal defense and defense of SEC enforcement proceedings; real estate matters; and insurance litigation. Our active appellate practice includes all aspects of civil litigation in both the California and federal appellate courts.

Lawyers' Lawyers

Irell & Manella's litigation workgroup is the firm's largest workgroup, and has earned a distinguished reputation for ingenuity, drive, resourcefulness, and creativity among the federal and state judiciary, the firm's clients, and our peers in the legal community. This reputation has led our firm to be regarded as "lawyers' lawyers"—we are often retained to represent clients on appeal of matters tried by other counsel and have been called upon to represent other nationally prominent law firms. Clients and other attorneys routinely turn to us to handle their most challenging lawsuits. We believe that the confidence we inspire in others within the legal community is a testament to the quality of the attorneys at Irell & Manella.

Practical and Strategic Approach

While the litigation workgroup possesses formidable resources, we are noted for our ability to match carefully those resources to the demands of a particular engagement. For Irell & Manella, staffing determinations are driven by strategic factors as well as the unique substantive expertise of our individual attorneys. The firm believes that it is essential to control costs for our clients while maintaining the kind of creativity, aggressiveness, and responsiveness to client concerns for which the litigation workgroup has become known. In many other firms, litigation is practiced by rote, with large, unwieldy forces employing predictable methods. Irell & Manella has been singularly successful in developing innovative approaches that identify and exploit the strategic fault lines of a given dispute, enabling us to achieve favorable results under difficult circumstances.

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Talented Attorneys

Our attorneys' extraordinary intellectual skills and substantive expertise are what drive the creativity and strategic focus of Irell & Manella's litigation practice. A key ingredient to our success is that the firm has always been extremely selective in hiring. We recruit the best law students from the country's top law schools. In addition, the firm's litigation workgroup includes within its ranks a former U.S. District Judge, six former members of the U.S. Attorney's office, more than 50 former judicial clerks with clerkships at all levels of the judiciary, authors of a number of the leading treatises in particular fields (such as David Nimmer of the prestigious *Nimmer on Copyright*), and attorneys with countless other marks of distinction, including membership in the prestigious American College of Trial Lawyers. Our uncompromising commitment to excellence from top to bottom has resulted in a firm whose hallmark is quality and a true commitment to excellence. Not surprisingly, in many important subject areas, the key precedents that shape a given piece of litigation have been established by Irell & Manella attorneys.

Diverse Clients

Our clients are as diverse as our practice: We have represented manufacturers and distributors of electronic and aerospace products; manufacturers and sellers of machinery and consumer products; computer hardware and software companies; venture capitalists; investment bankers; real estate developers, builders and financiers; broadcasters; airlines; oil companies; universities; banks and financial institutions; large and small retailers; governmental agencies and elected officials; and artists, executives, and companies in the entertainment industry. Our clients include many of the most well-known Fortune 500 and New York Stock Exchange companies, as well as entrepreneurs and young corporations whose less structured business activities produce unusual and stimulating legal problems. In addition to our many corporate clients that face complex and frequently business-threatening litigation, we appreciate the special trust placed in us over the years by many individual clients, including directors and officers of public corporations, who find themselves facing difficult, personal legal issues. We recognize that, for these people, the stakes cannot be greater, and that a special, personal responsiveness is needed to truly serve their needs.

High Profile Cases

The firm has particular expertise in managing "high profile" litigation where public, governmental, and institutional perceptions can affect the conduct of an opponent and the prospects for a successful outcome. While the firm has a deserved reputation for aggressive strategies and forceful execution of those strategies, successful litigation in this context requires an adept balance between force and persuasion, and a sensitivity to forces outside the courtroom that can shape the progress of the case. Often, it is essential to balance aggressive pursuit of litigation objectives with a finely tuned awareness of the complex forces—both internal and external—that bear on an opponent or on our client. In cases that involve a large governmental or institutional opponent, careful analysis of these forces can reveal strategic opportunities to apply pressure at institutional weak points, leading to a favorable result by adjudication or by settlement.

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Significant Successes

The firm's achievements in litigation speak for themselves. We take particular pride in having successfully represented clients against much larger adversaries, such as our recent success obtaining a jury verdict in excess of \$500 million in favor of our client, City of Hope National Medical Center, against biotech giant Genentech, and obtaining a \$120 million jury verdict and worldwide injunction in favor of our client, Stac Electronics, against Microsoft. Other significant successes in recent years include:

- We represented the California State Senate and its President Pro Tempore in litigation involving constitutional and statutory challenges to district lines drawn for the United States Congress and California State Senate following the 2000 Census. A three-judge district court panel granted summary judgment in favor of our clients. On January 13, 2003, the United States Supreme Court affirmed on the merits.
- We achieved a complete, precedent-setting victory at the pleading stage on all claims against our client, Idealab, in a lawsuit brought by venture capital investors who invested \$725 million in the company and later sought to compel its dissolution and a distribution of its assets.
- We defended Western Digital Corporation in a \$200 million breach of contract and warranty action, which resulted in a defense verdict in Western Digital's favor. *The National Law Journal* recognized Irell & Manella's win as one of the nation's top 15 defense verdicts of the year.
- We represented national mortgage lender First Alliance Mortgage Company in one of the largest bankruptcy cases in the United States, involving claims totaling over \$3 billion. Our attorneys' approach established many new precedents including temporary injunctions against government enforcement actions; temporary injunctions against actions proceeding against non-debtor directors, officers, and employees; and consolidation of state court litigation involving non-debtor parties into the federal forum. Following extensive litigation, Irell & Manella negotiated a class action settlement, a bankruptcy plan, and consent decrees which provide a template and model for efficiently resolving mass tort litigation and which resulted in higher and more equitable payments to all constituencies than would have been possible without the bankruptcy.
- Our attorneys, led by former U.S. District Judge Layn Phillips, prevailed on all claims brought against our client, the State of California, in one of the largest CERCLA/natural resource damages cases ever prosecuted.
- We represented Motown in complex business contract and tort litigation against MCA that resulted in termination of both Motown's unfavorable distribution contract with MCA and MCA's equity ownership rights, and enabled Motown to be sold to Polygram for more than \$300 million.
- We represented a plaintiff prosecuting contract and business tort claims, resulting in a judgment for our client of more than \$55 million after a six-week bench trial.

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- We obtained a complete defense verdict for our client, Newport Corporation, in a three-week trademark and internet domain name ownership jury trial. We also successfully defended the verdict on appeal in the United States Court of Appeals for the Second Circuit.
- We defended two publicly-traded companies in a business tort action seeking \$200 million, in which we obtained a complete dismissal of the action against our clients under California's anti-SLAPP statute and received an award of \$275,000 in attorneys' fees.
- We represented Dastar Corp. in the U.S. Supreme Court in a Lanham Act action, resulting in an 8-0 ruling in favor of our client on June 2, 2003.
- We obtained for our client, a pension fund advisor, a court order of repatriation and turnover to our client of a judgment debtor's claimed \$30 million asset held in a Cook Islands asset protection trust. We also obtained an award of more than \$700,000 in attorneys' fees, the full amount requested.
- We represented a large European motion picture producer and distributor in a film industry arbitration, including a three-day trial, that resulted in an award of approximately \$5,000,000 in favor of our client (including 100% of its attorneys' fees). Our attorneys also defeated counterclaims that sought termination of rights to a film library worth \$40 million.
- We represented publisher Matthew Bender & Company in its successful challenge to West Publishing's claim of copyright in the page numbers of judicial opinions published by West. West had previously prevailed in a similar case against Mead Data Central (then-owner of Lexis) in an opinion later affirmed by the U.S. Court of Appeals of the Eighth Circuit. Notwithstanding the Eighth Circuit precedent, we obtained summary judgment in Matthew Bender's favor. West appealed to the U.S. Court of Appeals for the Second Circuit, where we again prevailed. The U.S. Supreme Court denied West's petition for a writ of certiorari.
- We represented plaintiff Immersion Corporation in patent litigation against Microsoft. In July 2003, Immersion and Microsoft announced a settlement under which Microsoft agreed to pay Immersion \$26 million for certain license rights to Immersion's patent portfolio and an equity stake in the company. Microsoft also agreed to lend Immersion up to \$9 million in convertible debt.

For more information please contact Morgan Chu.