

Daily Journal

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TOP VERDICTS OF 2013

TOP DEFENSE RESULTS

Andrade et al. v. P.F. Chang's China Bistro et al.

Enforcing arbitration agreements is a hot-button issue in California, and though Supreme Court decisions have offered some guidance, courts are still working out the details.

The arbitration agreement in the employees' contracts at P.F. Chang's China Bistro was thoroughly scrutinized in this wage and hour class action that alleged the company did not provide complete and detailed wage statements.

P.F. Chang's agreement requires individuals litigate their claims separately, including actions brought under the California Private Attorneys General Act, or PAGA, in which private citizens bring claims over Labor Code violations.

Plaintiffs challenged whether the waiver of PAGA claims in the arbitration agreement was legal, but U.S. District Judge Janis L. Sammartino found it valid and enforceable, requiring the employees to arbitrate those claims individu-

case
INFO

Wage and hour class action, arbitration agreements

Southern District of California

U.S. District Judge Janis L. Sam
U.S. District Judge Janis L. Sammartino

Defense attorneys: Morgan, Lewis & Bockius LLP, Rebecca Eisen, Lauren S. Kim

Plaintiff's attorneys: Hogue Belong, Jeffrey L. Hogue, Tyler J. Belong

ally as well. *Andrade et al. v. P.F. Chang's China Bistro Inc. et al.*, 12-2724 (S.D. Cal., filed Nov. 7, 2012).

Rebecca Eisen, a partner at Morgan, Lewis & Bockius LLP who was lead lawyer representing P.F. Chang's, said it helped clarify California employment law.

"It has been very helpful to the employer community to



REBECCA EISEN



LAUREN S. KIM

have an understanding of what is and what is not OK in arbitration agreements," Eisen said. "All the other employers trying to figure out if an arbitration agreement is fair have this case now available to them to help guide their decisions."

Eisen said the case was similar to another involving P.F. Chang's arbitration agreement in front of U.S. District Judge

Yvonne Gonzalez Rogers in the Northern District the previous year, which addressed some of the same issues.

Plaintiffs' attorney Jeffrey Hogue said his clients are in the process of arbitrating their claims individually. After the court confirms any awards, he plans to appeal the judge's decision.

— Hadley Robinson

Top Defense Results

Case Name	Type of Case	Court	Judge(s)	Defense Attorneys	Plaintiff's Attorneys
Jackson et al. v. AEG Live LLC	Wrongful death	Los Angeles County	Superior Court Judge Yvette M. Palazuelos	O'Melveny & Myers LLP, Marvin S. Putnam, Jessica Stebbins Bina, Kathryn Cahran, Tad Allan, Sabrina H. Strong	Panish, Shea & Boyle LLP, Brian J. Panish, Kevin R. Boyle, Deborah Chang, Robert S. Glassman, Jennifer S. Farrell
Moser v. Encore Capital Group et al.	Breach of confidentiality agreement	Southern District of California	U.S. District Judge Janis L. Sammartino	Cooley LLP, Michael A. Attanasio, Ryan E. Blair; Bird, Marella, Boxer, Wolpert, Nessim, Drooms & Lincenberg PC, Thomas V. Reichert, Terry W. Bird, Preston Lim, Jason D. Kogan.	Procopio Cory Hargreaves & Savitch LLP, Anthony J. Dain, Fredrick K. Taylor, Robin L. Phillips; Kyle Ludwig Harris, Frederic Ludwig III.
McHale v. Silicon Valley Law Group	Negligence	Northern District of California	U.S. Magistrate Judge Joseph C. Spero	Lerch Sturmer LLP, Jerome N. Lerch, Debra S. Sturmer, Jason O. Balogh	Golenbock Eiseman Assor Bell & Peskoe LLP, Michael S. Devorkin, Jacqueline G. Veit
Bellows et al. v. Bellows et al.	Elder abuse	Mendocino County	Superior Court Judge David E. Nelson	Gordon & Rees LLP, Stuart M. Gordon, James R. Reilly	Jeffrey J. Allen; O'Brien Watters & Davis LLP, Michael G. Watters; Anderson Zeigler Disharoon Gallagher & Gray, Daniel E. Post
Gutierrez et al. v. Balch Petroleum et al.	Personal injury	Fresno County	Superior Court Judge Kristi C. Kapetan	Gordon & Rees LLP, Miles D. Scully and J. Todd Konold; Walsworth, Franklin, Bevins & McCall LLP, Karen Sullivan and Helen Luetto	David M. Feldman
Mallen v. Alphatec Holdings Inc. et al.	Securities class action	Southern District of California	U.S. District Judge Roger T. Benitez	Latham & Watkins LLP, Peter A. Wald, Colleen C. Smith, Michele D. Johnson; Wilson Sonsini Goodrich & Rosati PC, Nina F. Locker, Steven Guggenheim, Jessica L. Snorgrass, Joni L. Oster; Wilmer Cutler Pickering Hale and Dorr LLP, Randall R. Lee, John F. Batter III, John J. Butts, Nolan J. Mitchell	Glancy Binkow & Goldberg, Lionel Z. Glancy; Cohen Milstein Sellers & Toll PLLC, Julie G. Reiser, Steven J. Toll; Law Office of David N. Lake APC, David N. Lake
Name.space Inc. v. ICANN	Trademark infringement, unfair competition	Central District of California	U.S. District Judge Percy Anderson	Jones Day, Jeffrey A. LeVee, Kathleen P. Wallace, Eric P. Enson	Morrison and Foerster LLP, Adam J. Hunt, Craig B. Whitney, Mark R. McDonald, Michael B. Miller
Nuance Communications Inc. v. ABBYY USA Software House Inc.	Patent infringement	Northern District of California	U.S. District Judge Jeffrey S. White	Finnegan, Henderson, Farabow, Garrett & Dunner LLP, Erik R. Puknys, Gerald F. Ivey, Lily Lim, Joseph E. Palyas, Douglas A. Rettew, John M. Williamson, E. Robert Yoches, Anna Balishina Naydonov, Zhenyu Yang	Morrison & Foerster LLP, James P. Bennett, Michael A. Jacobs, Brooks M. Beard, Alison M. Tucher, Patrick Zhang, Danielle Coleman, Kelly Lowenberg, Christopher J. Weiner; Wilson Sonsini Goodrich & Rosati PC, M. Craig Tyler, James C. Yoon, Christopher Grewe, Holly Baudler, Henry Pan, Chris Wilson
In re Tobacco Cases II	False advertising, product liability	San Diego County Superior Court	Judge Ronald S. Prager	Munger, Tolles & Olson LLP, Gregory P. Stone, Sean Eskovitz, Martin D. Bern, Blanca F. Young, Daniel B. Levin, Bethany W. Kristovich, Keith R. D. Hamilton II, Jeslyn A. Miller	Robinson Calcagnie Robinson Shapiro Davis Inc., Mark P. Robinson Jr., Kevin F. Calcagnie, Scot D. Wilson; Simon, Peragine, Smith & Redfearn LLP, Robert L. Redfearn; Dougherty, Hildre & Haklar, Thomas Haklar
NetAirus Technologies LLC v. Apple Inc.	Patent infringement	Central District of California	U.S. District Judge John A. Kronstadt	Milbank, Tweed, Hadley & McCloy LLP, Mark C. Scarsi, Christopher J. Gaspar, Chris L. Holm, Hannah L. Cannom, Ashlee Lin	Niro, Haller & Niro, Raymond P. Niro, Dean D. Niro, Robert A. Conley, Tahiti Arsulowicz; Wolf, Rifkin, Shapiro, Schulman & Rabkin LLP, Mark B. Mizrahi,
San Bernardino County and San Bernardino County Flood Control District v. S.B. Associated Governments	Equitable indemnity, declaratory relief	San Diego County	Superior Court Judge Ronald S. Prager	Best Best & Krieger LLP, Kendall H. MacVey; CalTrans, Daniel M. Mansueto, Paul R. Brown; Richards, Watson & Gershon APC, Thomas M. Jimbo, Robert C. Cecon	Theodora Oringher PC, Todd C. Theodora, Kevin A. Dorse; County of San Bernardino, Mitchell L. Norton, Michelle D. Blakemore
McAdams v. Monier Group	False advertising class action	Placer County	Superior Court Judge Roger Picquet	Morrison & Foerster LLP, William L. Stern, Natalie Naugle; Robles, Castles & Meredith LLP, William A. Robles	Ram, Olson, Cereghino & Kopczynski, Michael Ram; Boyd & Berkowitz, J. Kirk Boyd; Badham & Buck LLC, Richard Dorman
Environmental Law Foundation v. Beech-Nut Nutrition Corp. et al.	Toxic tort	Alameda County	Superior Court Judge Steven A. Brick	Morrison & Foerster LLP, Michele B. Corash, Robert L. Falk, Linda E. Shostak, James M. Schurz	Baron & Budd PC, Laura Baughman, Thomas M. Sims; April M. Strauss; Environmental Law Foundation, James R. Wheaton
In re: TFT-LCD (Flat Panel) Antitrust Litigation	Antitrust	Northern District of California	U.S. District Judge Susan Y. Ilston	White & Case LLP, Christopher M. Curran, J. Mark Gidley, Martin M. Toto, John H. Chung; Freitas Tseng & Kaufman LLP, Robert E. Freitas, Jason S. Angell, Jessica N. Leal	Robins, Kaplan, Miller & Ciresi LLP, Roman M. Silberfeld, David Martinez
Sohn v. Easton-Bell Sports Inc.	Product liability	Los Angeles County	Superior Court Judge Maria E. Stratton	Yukevich Cavanaugh, James J. Yukevich, Thomas Borncamp	Raymond P. Johnson; Anapol Schwartz, Larry E. Coben
Uno v. Toyota Motor Corp.	Personal injury, wrongful death	Los Angeles County Superior Court	Superior Court Judge Lee Smalley Edmon	Bowman and Brooke LLP, Vincent Galvin Jr., Mark V. Berry, Curtis E. Jimerson, Anne O. Hanna	Mardirossian & Associates Inc., Garo Mardirossian, Armen K. Akaragian
McCourt v. McCourt	Divorce settlement	Los Angeles County	Judge Ronald S. Prager	Sullivan & Cromwell LLP, Robert A. Sacks, Adam S. Paris; Trope & Trope LLP, Anne C. Kiley	Greenberg Glusker Fields Claman & Machtinger LLP, Bertram Fields
Andrade et al. v. P.F. Chang's China Bistro et al.	Wage and hour class action, arbitration agreements	Southern District of California	U.S. District Judge Janis L. Sammartino	Morgan, Lewis & Bockius LLP, Rebecca Eisen, Lauren S. Kim	Hogue Belong, Jeffrey L. Hogue, Tyler J. Belong
Illumina Inc. v. Complete Genomics Inc.	Patent infringement	Northern District of California	U.S. Magistrate Judge Elizabeth Laporte	Kaye Scholer LLP, Michael J. Malecek, Peter Root, Sean M. Boyle, Henry Schober and Marisa Armanino Williams	Marshall Gerstein & Borun LLP, Kevin M. Flowers, John R. Labbe, Mark Izraelewicz, Cullen N. Pendleton and Amanda K. Antons
FBP Investments LP v. Sea Prestige LLC	Breach of Contract	Orange County	Superior Court Judge Luis A. Rodriguez	Glaser Weil Fink Jacobs Howard Avchen & Shapiro LLP, Patricia L. Glaser, Jill Basinger	Gatzke Dillon & Ballance LLP, Stephen F. Tee, Mark J. Dillon, Michael P. Masterson