

2018 Year in Review

2018 brought new accolades, team members, victories, and events for Willenken Wilson Loh & Delgado LLP, all contributing to the success we bring to our clients. Take a look back at what the Willenken attorneys have been doing for the past year.

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Earning Recognition



Benchmark Litigation, the definitive guide to elite litigation firms and attorneys throughout North America, once again recognized Willenken and its five partners for their excellence in litigation and client service in 2018. In the 12th edition of *Benchmark Litigation's* annual publication, the firm was named on the highly selective list of "Recommended" firms for litigation in California for the second consecutive year. The firm's five partners – **Eileen Ahern, Will Delgado, Paul Loh, Megan O'Neill, and Jason Wilson** – were each recognized as a California "Local Litigation Star" in the nationwide publication. This coveted ranking is reserved for lawyers who are consistently recommended as reputable and effective litigators by clients and peers. The five partners were also each selected as a "Benchmark California Star" in the inaugural edition of *Benchmark Litigation California*, a stand-alone guide that focuses exclusively on the state's litigation market.

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Shortly after the firm's recognition in *Benchmark Litigation 2019*, the *Daily Journal* featured the firm in its "Top Boutiques 2018" edition. Only 20 specialty firms across California are selected annually as a "Top Boutique" by the *Daily Journal*, and this year Willenken earned a spot on the coveted list. "Top Boutiques 2018," an exclusive supplement to the *Daily Journal's* Los Angeles and San Francisco publications, featured Willenken as a leading firm for complex commercial litigation. 2018 is the second year the firm has been named on this elite list, the first being 2015.

Partner **Will Delgado** was listed as one of the "Top Latino Lawyers of 2018" by *Latino Leaders Magazine* in its November/December 2018 edition. This annual list, selected from over 600 nominations across the United States, recognizes Latino lawyers who are known for both winning notable cases and giving back to their local communities.

Welcoming New Team Members

Sherin Varghese, staff attorney, joined in January after practicing at Munger, Tolles & Olson LLP. Sherin's expertise is in legal technologies and e-Discovery, and she regularly advises clients on the use of technology for a wide range of legal matters, including contract disputes, trade secret litigation, and government investigation. She received her J.D. from the University of Texas School of Law and her B.S. from Cornell University.



Justin Goodwin, senior associate, joined in April after practicing at Gibson, Dunn & Crutcher LLP. Justin specializes in complex commercial litigation and class action defense, with a focus on consumer and wage and hour class actions. He represents Fortune 500 companies in high-stakes litigation across a variety of industries, including technology, manufacturing, energy, retail, media, and automotive. He received his J.D. from Stanford Law School and his B.A. from the University of California, Irvine.



Mayra de Aguiar, senior counsel, joined in October after serving as litigation counsel at Roll Law Group, the captive litigation firm of The Wonderful Company. Mayra has over 17 years of practice focused on class action litigation, employment litigation, and product liability. Her experience spans both the trial and appellate levels, and she represents Fortune 500 companies and global corporations. She received her J.D. from the University of Chicago Law School and her B.A. from the University of California, Los Angeles.



Winning Matters



Total Victory for Major LED Manufacturer in Eight-Figure Cross-Border Dispute

After four years of grueling litigation, Willenken notched an impressive win for its Korea-based client, Lumens Company, Ltd. The LED manufacturer had sued a distributor for nonpayment of over \$1 million worth of LED products shipped to the distributor's customers, to which the distributor responded by filing 15 counterclaims and demanding \$16 million in compensatory and punitive damages. Led by partner **Jason Wilson**, Willenken won Lumens'

breach of contract claim against the distributor on summary judgment in 2015 and later filed motions *in limine* that exposed a fatal flaw in the distributor's case, leading to a court order of simultaneous summary judgment briefing. Senior associate **Amelia Sargent** deftly briefed the simultaneous motions and argued the motions at two hearings, resulting in the court handing Lumens a total victory on all contested issues and disposing of the entire case.

Full Dismissal of Telecommunications Lawsuit

Partner **Paul Loh** and senior associate **Aarti Wilson** delivered a checkmate in the pleadings stage of a complex business matter. Firm client Motorola Solutions, Inc. was sued for unfairly obtaining a federal grant to install a multi-million dollar public safety radio system for the City of Glendora, as the plaintiffs claimed the radio system interfered with their privately licensed radio frequencies. Willenken moved to dismiss, arguing the plaintiffs' claims were preempted by the Federal Communications Act, which led the plaintiffs to change tactics and allege instead that Motorola had violated the Sherman Act.

Undeterred, Willenken filed another motion to dismiss, pointing out that the plaintiffs' antitrust theory suffered a fatal flaw: bid-rigging requires allegations of conspiracies among competitors, and the plaintiffs could not make any such allegations. This, along with additional facts shrewdly discovered by the Willenken team, forced the plaintiffs to dismiss their claims with prejudice.



Favorable Jury Verdict for Reusable Coffee Capsule Company in Patent Infringement Case

Firm client ARM Enterprises was accused by a Seattle-based company of infringing a patent related to reusable capsules for single beverage coffee machines. At trial, the plaintiff sought compensatory damages of over \$1.5 million and a finding of willfulness, which would have trebled damages to \$4.5 million and supported the plaintiff's motion for attorneys' fees. Partner **Will Delgado's** cross-examination of the plaintiff's damages expert at trial pointed out the errors in the expert's Georgia Pacific analysis. During

closing argument, Will seized on numerous concessions by the plaintiff's expert and other witnesses to argue that its damages analysis was vastly overinflated. Because of Will's strategic defense, the jury awarded a mere \$192,000 in compensatory damages and found that ARM Enterprises had not willfully infringed the patent.

Sharing Expertise

Panels & Presentations



Partners **Eileen Ahern**, **Paul Loh**, and **Megan O’Neill** hosted a Lunch and Learn for members of the Association of Corporate Counsel (ACC) Minnesota Chapter in June, at which they presented a substantive checklist for in-house counsel to use for their defense when a class action is filed. Eileen and Megan shared similar tips on a panel, moderated by senior associate **Justin Goodwin**, at the ACC Washington Chapter 2nd Annual Business Summit in September. The same day, Paul led a panel detailing how to obtain an optimal and efficient settlement without going to trial for members of the ACC Southwest Ohio Chapter (*pictured left*), which was followed by a social hour and brewery tour.

At the National Association of Minority and Women-Owned Law Firms (NAMWOLF) 2018 Business Meeting in February, partner **Megan O’Neill** spoke on a panel about “Social Networking: Dos & Don’ts – A Discussion Regarding Business Development, Trending Ethical Considerations & Privacy Breach.”

As a member of the Hispanic National Bar Association (HNBA), partner **Will Delgado** attended and spoke on a panel titled, “Mastering Your Own Destiny and Stepping Out” at the HNBA 2018 Corporate Counsel Conference in March, as well as “Crazy Litigation Strategies that Just Might Work (and Tried and True Ones that Might Not),” at the HNBA 2018 Annual Convention in September.

Will and Megan both moderated panels at the Minority Corporate Counsel Association (MCCA) 2018 Creating Pathways to Diversity Conference in October on “Sources for Success: MCCA’s Blueprint for Selling & Buying – A Pitch Workshop for Outside & In-House Counsel” and “Hiring, Firing and Inspiring Outside Counsel.”

In May, partner **Jason Wilson** hosted a webinar for the National Asian Pacific American Bar Association (NAPABA) Solo & Small Firm Network on hot topics in copyright and trademark law.

Articles

In light of the Supreme Court’s decision in the 2017 *Bristol-Myers Squibb Co. v. Superior Court of California* case, partner **Will Delgado** and senior associate **Amelia Sargent** co-authored an article for *Law360* on why the decision applies to Rule 23 class actions, irrespective of what some courts have said. Amelia, a regular contributor to the *American Bar Association Section of International Law: Art & Cultural Heritage Law Newsletter*, also wrote two articles titled, “Cranachs Remain at Norton Simon Under Act of State Doctrine” and “Five Points on 5Pointz” for the newsletter’s Spring 2018 and Summer 2018 editions.

Hosting Industry Events

Scholars & Sketches at NAMWOLF

As a regular participant of the NAMWOLF Annual Meeting & Law Firm Expo, Willenken continued its tradition of donating to worthy and diverse law students by collecting business cards at its expo booth in September, with an added incentive for attendees to stop by. Through the Scholars & Sketches campaign, the firm not only made a contribution to the NAMWOLF Pipeline Diversity Scholarship, it also gave attendees the opportunity to take home a caricature of themselves drawn by a local Chicago artist. Partners **Eileen Ahern**, **Will Delgado**, **Megan O’Neill**, and **Jason Wilson** attended the NAMWOLF 2018 Annual Meeting & Law Firm Expo, which took place in Chicago.



The Women of Willenken’s First Women in Law Cocktail Party

In October, the women of Willenken hosted the firm’s first Women in Law Cocktail Party at Manuela in the Los Angeles Arts District. Partners **Eileen Ahern** and **Megan O’Neill**, of counsel **Ashley Kirk**, senior counsel **Mayra de Aguiar**, senior associates **Amelia Sargent** and **Aarti Wilson**, and staff attorney **Sherin Varghese** welcomed women from legal professions throughout the Los Angeles area to celebrate the firm’s guest of honor, **Emily Murphy**. Emily, an Associate Professor of Law at the University of California, Hastings College of the Law, was one of the first women to speak publicly about former Judge Alex Kozinski’s misconduct when she was a Ninth Circuit clerk. The women of Willenken presented Emily with the firm’s first Advocacy Award, which recognized Emily for using her courageous voice on behalf of women in law.

Harvard Law School Alumni Reception at NAPABA

The NAPABA Convention, an annual gathering of Asian Pacific American attorneys, judges, law professors, and law students, has in past years been the opportune event for Willenken and Los Angeles firm Bird Marella to hold a reunion for Asian Pacific American alumni from Harvard Law School (HLS). At the 2018 NAPABA Convention, the two firms co-hosted a reception under the newly-instated Harvard Law School Association Asian Pacific American Alumni Network (HLSAAPAAN). The reception allowed HLS alumni to meet members of the HLSAAPAAN Board of Directors and learn about how to get involved with the group’s new initiatives. Partner **Jason Wilson**, who serves as vice president of the HLSAAPAAN, attended the 2018 NAPABA Convention in Chicago with partner **Paul Loh**.