



Amelia L. B. Sargent

PARTNER

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Amelia's Biography

A deep thinker and intuitive strategist, Amelia Sargent brings the best of academia's rigor and curiosity to her complex commercial litigation practice, with an emphasis on trade secrets and business disputes.

Benchmark Litigation has named Amelia a "Litigation Star" for 2022-2024 and included her on their 2021 "40 & Under Hot List."

Amelia's thirteen years of trial and appellate experience includes stand-up roles at multiple trials, appellate briefing and argument before the Ninth Circuit, and three Supreme Court amicus briefs. Clients turn to Amelia for her steady judgment and her ability to weave the law and facts together into a compelling—and ultimately winning—narrative.

Amelia's recent matters include:

- Orchestrated strategy for the damages phase of "one of the five big healthcare lawsuits" on behalf of AbbVie Endocrine, Inc. in a breach of contract case against Takeda Pharmaceutical Co. seeking \$480 million in damages. At trial, Amelia presented two percipient witnesses on direct and second-chaired three other key percipient and expert witnesses. In the prior phase and trial, Amelia questioned or defended five witnesses, including cross-examining both key executive corporate witnesses, resulting in a liability ruling for the client.
- As lead counsel defending nine executives and employees in arbitration, Amelia leveraged her e-discovery and forensic expertise against a "Biglaw giant" to successfully resolve allegations of trade

Education

Stanford Law School, J.D., 2011

University of California, Berkeley,
Ph.D., 2011

University of Toronto, M.A., 2003

Georgetown University, B.A., 2002

Bar Admissions

Admitted to the State Bar of California

Admitted to the District of Columbia
Bar

United States Supreme Court

United States Court of Appeals for the

secret misappropriation and related torts involving the formation of a new start-up after her clients resigned from a competitor company.

- Briefed, argued, and won simultaneous motions for summary judgment, and a subsequent Ninth Circuit appeal, on behalf of a Korean LED manufacturer, winning \$1m+ and defeating \$16 million in cross-claims brought by a reseller.
- Drafted an *amicus curiae* brief on behalf of university professors on international comity issues before the United States Supreme Court in *Republic of Hungary v. Simon* (No. 18-1447) and *Federal Republic of Germany v. Philipp* (No. 19-351).

Amelia also represents nonprofit mission-driven organizations on a wide range of matters, including Title IX matters. Clients value Amelia's ability to balance litigation goals with the values of mission-driven organizations and the communities they serve. Amelia also regularly publishes and presents on art law topics, and teaches "Art and the Law" at the University of California College of Law, San Francisco (formerly UC Hastings College of Law).

Prior to joining Willenken, Amelia practiced at Munger, Tolles & Olson LLP. She has a Ph.D. from the University of California, Berkeley in Comparative Literature, and enjoys reading cookbooks and traveling.

Honors

Benchmark Litigation has named Amelia a 2022-2024 "Litigation Star" and included her on their 2021 "40 & Under Hot List." Prior to that, she was a 2021 "Future Star."

She has also been recognized in both the 2021 and 2022 editions of *Best Lawyers* "Ones to Watch" and *Best Lawyers* "Women in the Law: Ones to Watch," as well as among *SuperLawyers* "Southern California Rising Stars" in 2020 and 2021.

Higher education honors include:

- John Hart Ely Book Prize for Outstanding Performance in Legal History (Stanford, 2010)
- Gerald Gunther Book Prize for Outstanding Performance in Civil Procedure (Stanford, 2008)
- Phi Beta Kappa

Ninth Circuit

United States Court of Appeals for the Fourth Circuit

United States District Court for the Northern District of California

United States District Court for the Eastern District of California

United States District Court for the Central District of California

United States District Court for the Southern District of California

Practice Areas

Appellate Litigation

Complex Commercial Litigation

Arts, Cultural, and Educational Institutions Litigation and Dispute Resolution

Entertainment Litigation

Intellectual Property Litigation

Copyright

Trade Secrets and Employee Mobility

Trademark and Trade Dress



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Winning Matters

- [Willenken Wins Extraordinary \\$448+ Million Trial Verdict in Delaware Chancery Court](#)
- [Willenken's Trade Secrets Team Achieves Settlement and Stipulated Injunction on the Eve of Trial](#)
- [Willenken Wins Critical Liability Phase of High-Profile Lupron Supply Shortage Trial in Delaware Chancery Court](#)

Cases

The following is a representative sample of Amelia's casework:

- *Abbvie Endocrine, Inc. v. Takeda Pharmaceutical Company*. As a member of a 100%-diverse trial team in “one of the five big healthcare lawsuits” of the year, secured a favorable ruling on behalf of AbbVie Endocrine, Inc. in a high-stakes breach of contract case against Takeda Pharmaceutical Co. Amelia questioned or defended multiple expert and percipient witnesses during the four-day trial in Delaware Chancery Court, and in phase two, Amelia orchestrated the damages strategy resulting in a \$448 million judgment. Pre- and post-judgement interest were set by stipulated judgment, in which Takeda waived its right to appeal.
- *Cassirer v. Thyssen-Bornemisza Collection Foundation*. Represented the Kingdom of Spain as amicus curiae in the highly-watched cultural property case over the Nazi-looted painting, *Pissarro's Rue St. Honoré, après midi, effet de pluie*. The case involved over 18 years of litigation, four appeals (total of 6 appellate opinions), one vacatur from the Supreme Court, and one request for certification to the California Supreme Court, which was denied. Amelia submitted a total of three amicus briefs to the trial and appellate courts regarding the application of Spanish principles of acquisitive prescription, as well as a letter to the California Supreme Court urging denial of certification. [Read more here.](#)
- *Leading Manufacturer of Insulated Water Bottles v. Product Distributor*. Crafted the driving strategy and narrative for a case—set to go to trial in 2022—in which the client, a leading manufacturer of insulated water bottles, alleged breach of fiduciary duties, misappropriation of trade secrets, and violation of confidentiality obligations against its former employees.
- *Individual v. Major State University System*. As lead counsel, represented a major state university system in successfully settling a pre-litigation Title IX matter involving a former graduate student's allegations of on-campus sexual misconduct against a well-known



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professor that had occurred many years before. After a university-level Title IX process, the plaintiff subsequently demanded additional concessions and a six-figure monetary claim. Through diligent analysis and methodical meet and confer, the case settled on favorable terms prior to litigation.

- *International Shipping Corporation v. Former Sales Executive*. As lead counsel, defended sales executive against allegations of trade secret misappropriation involving his move to a competitor company, overseeing pre-litigation remediation and negotiation of resolution on favorable terms for client.
- *Global Software Corporation v. Former Executive*. Represented and successfully defended high-level software engineering executive against wide-ranging allegations of trade secret misappropriation and breach of a confidentiality agreement brought by a global software giant when he left for a competitor start-up. After a pre-litigation remediation overseen by a third-party neutral, all allegations were dropped and settled on favorable terms to the client.
- *Republic of Hungary, et al. v. Rosalie Simon et al. and Federal Republic of Germany v. Alan Phillip, et al.* Filed an *amicus* brief in the Supreme Court for two university professors, in two high-profile matters involving litigation over Holocaust-era assets, **which Supreme Court Justice Breyer referred to extensively at oral argument**. The brief addressed whether international comity could still provide a basis for a court to decline jurisdiction over a foreign sovereign, if the Foreign Sovereign Immunities Act provided that no immunity existed.
- *Major Entertainment Company v. Independent Game Developer and Publisher*. As lead counsel, defended an independent game developer and publisher against claims of breach of contract related to a video game license agreement. Amelia strategized cross-claims that alleged that plaintiffs and cross-defendants had breached key provisions under the contract that in fact excused the game developer's performance, significantly increasing the defendant's leverage and allowing for settlement.
- *Lumens Co., Ltd. v. GoEco LED LLC et al.* Briefed, argued, and won summary judgment on behalf of Lumens Co. Ltd., a Korean LED manufacturer, against \$16 million in cross-claims brought by a reseller, and then successfully presented oral argument to the U.S. Court of Appeals for the Ninth Circuit upon the defendant and counterclaimant's appeal, which affirmed the victory.
- *Nascent Electric Vehicle Company v. Former Employees*. As lead counsel for nine executives and employees, successfully resolved allegations of trade secret misappropriation, violation of non-solicitation obligations, and breach of fiduciary duties relating to the formation of a new electric vehicle start-up after they resigned from a competitor company.
- *Global Biopharmaceutical Company v. Large Health Benefit Manager*.



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After extensive research, drafted the case strategy that guided the firm's representation of and ultimately secured a favorable settlement for one of the world's largest biopharmaceutical companies in a complex breach of contract action involving some of the largest sponsored health plans in the country.

- *Frey v. Southern California Gas Company and Sempra Energy*. Enabled favorable resolution of case on behalf of the major California utility after filing the opening summary judgment motion on subject matter jurisdiction and pre-emption.

Speaking Engagements

- Co-Presenter, "**Artificial Intelligence and Trade Secrets**," AIPLA Trade Secret Summit 2024 (forthcoming)
- Co-Presenter, "**Litigation and ADR**" Breakout Session and "**#ETHICS: Issues in Legal Ethics for the 21st Century**," Legal Issues in Museum Administration Conference 2024 (forthcoming)
- Presenter, "**How to Protect Trade Secrets Without a Noncompete**," ALI-CLE Webcast/On-Demand CLE (December 14, 2023)
- Co-Presenter, "Case Management Cartography: Methods, Technology Tools & Staff Resources for Mapping Success," In-Firm CLE (December 7, 2023)
- Presenter, "**Legal Ethics in Litigation**," ALI-CLE Webcast/On-Demand CLE (May 24, 2023)
- Co-Presenter, "**Protecting Trade Secrets Without Non-Competes**," Willenken Virtual Roundtable (March 2, 2023)
- Co-Presenter, "Ethics and the Lawyer's Many Hats," **ACC SW Ohio In-Person CLE Presentation** (June 8, 2022)
- Co-Presenter, "Ethics and the Lawyer's Many Hats," **ALI CLE Legal Issues in Museum Administration 2022** (March 25, 2022)
- Co-Presenter, "Managing the Risks and Rewards of Trade Secrets: A Guide for In-House Counsel," **ACC SW Ohio "Just in Time" CLE Conference** (December 2, 2021)
- Presenter, "**Practicing in the Hybrid Workplace: Legal Ethics Do's and Don'ts**," ALI-CLE Webcast/On-Demand CLE (August 12, 2021)
- Presenter, "Practicing Remotely and Ethically: Do's and Don'ts for In-House and Outside Counsel," **ALI CLE Legal Issues in Museum Administration 2021** (March 11, 2021)
- Co-Presenter, "**Managing the Risks and Rewards of Trade Secrets: A Guide for In-House Counsel**," **ACC Georgia Webinar** (September 30, 2020)
- Co-Presenter, "ABCs of Art Law," **Center for Art Law and Dartmouth Lawyers Association** Webinar (September 22, 2020)



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- Co-Presenter, “The Attorney-Client Privilege for Global In-House Counsel: Challenges with Technology and Cross-Border Communications,” In-House CLE for Forbes “Top 100 Brands” Company (August 19, 2020)
- Co-Presenter, “Trends in Trade Secrets,” [NAPABA Webinar](#) (September 17, 2019)
- Presenter, “To Send or Not To Send: Email, Privilege, and Competence,” [ALI CLE Webcast Seminar](#) (June 4, 2019)
- Presenter, “[Think Before You Send: Maintaining Privilege in Email Communications with Boards](#),” [ALI CLE Legal Issues in Museum Administration 2019](#) (March 21, 2019)
- Panelist, “‘Keep Sign-Stealing Out of Your Game!’: Protecting Trade Secrets and the New Defend Trade Secrets Act,” ACC South Florida 8th Annual CLE Conference “Play Ball!” (October 6, 2017)
- Panelist, “Strategies for Better Contract Drafting: Mitigating Risks in Contracts with U.S. Parties,” ACC Ontario Chapter CLE Presentation (September 14, 2017)
- Presenter, “Trade Secret and Employee Mobility: An Overview,” In-House CLE for Forbes “Top 100 Brands” Company (June 22, 2017)
- Presenter, “Think Before You Send: Maintaining Privilege in Email Communications With Boards,” MTO Symposium for Private Charitable Institutions in Arts, Culture, and Education (November 2, 2016)
- Moderator, “When the *Wall Street Journal* Calls: Guiding Your Organization Through a Crisis,” MTO Symposium for Private Charitable Institutions in Arts, Culture, and Education (November 2, 2016)

Professional Affiliations

- [Leadership Council on Legal Diversity](#), *Vice-Chair of Communications of Alumni Executive Committee* (June 2023-present) and *Fellow* (2020)
- [The Sedona Conference Working Group 12](#) (Trade Secrets), *Member* (2020-present)
- [American Intellectual Property Law Association](#), *Member*
- [American Bar Association Section of International Law](#): Art & Cultural Heritage Law Committee, *Member*
- [Association of Business Trial Lawyers – Los Angeles](#), *Member*
- [California Lawyers for the Arts](#), *Assistant Treasurer and Member of Executive Committee* (2014-2021)



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Publications

Amelia's recent publications include:

- Author, "**Trends in Noncompete Laws May Affect Trade Secret Litigation**," *Daily Journal 2024 Leading Commercial Litigators* (January 2024).
- Author, "Supreme Court Vacates Ninth Circuit in *Cassirer v. Thyssen-Bornemisza Collection*, Unsettling Fate of Nazi-Looted Painting" (page 3-4), *American Bar Association Section of International Law: Art & Cultural Heritage Law Newsletter* (Spring 2022)
- Author, "Five Steps To Protect Your Trade Secrets Without a Non-Compete," *The Practical Lawyer* (December 2021)
- Author, "Ninth Circuit Affirms Judgment that Spain's Thyssen-Bornemisza Collection May Keep Nazi-Looted Pissarro" (page 4-5), *American Bar Association Section of International Law: Art & Cultural Heritage Law Newsletter* (Fall 2020)
- Author, "Federal Trade Secret Identification Requirement Seems Likely," *Law360*
- Author, "Spain's Thyssen-Bornemisza Collection Foundation Prevails at Trial to Keep Nazi-Looted Pissarro" (page 4), *American Bar Association Section of International Law: Art & Cultural Heritage Law Newsletter* (Spring 2019)
- Author, "Cranachs Remain at Norton Simon Under Act of State Doctrine" (page 4), *American Bar Association Section of International Law: Art & Cultural Heritage Law Newsletter* (Summer 2018)
- Author, "Five Points on 5Pointz" (page 2), *American Bar Association Section of International Law: Art & Cultural Heritage Law Newsletter* (Spring 2018)
- Co-Author, "Why Bristol-Myers Applies to Class Actions," *Law360* (March 30, 2018)
- Co-Author, "The Getty Bronze and the Limits of Restitution," *Chapman Law Review*, Volume 20, Issue 1 (2017)
- Author, "Gerald of Wales's Topographia Hibernica: Dates, Versions, Readers" (p. 241), *Viator Volume 43, Issue 1* (Spring 2012)
- Author, "New Jurisdictional Tools for Displaced Cultural Property in Russia: From 'Twice Saved' to 'Twice Taken'," *Yearbook of Cultural Property Law* (2010) (First Place Winner of Lawyers Committee for Cultural Heritage Preservation National Student Writing Competition)



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