

Appellate Litigation

When appellate acumen is essential in important matters, clients turn to Willenken for appeals, writs, and *amicus curiae* briefs. Our attorneys have a track record of success protecting favorable trial court decisions that have been appealed, and in securing reversal of adverse lower court decisions.

Effective appellate advocacy requires a relentless commitment to persuasive writing, a talent and skill for oral argument, and a thorough understanding of the trial and appellate process, including strategic preservation and selection of the grounds for appeal. Willenken leverages these qualities in appeals and writ proceedings across the full spectrum of complex commercial litigation.

Our lawyers practice in federal and state appellate courts throughout the United States and have successfully handled a broad range of appeals, including appearing before the United States Supreme Court. In addition, several of our attorneys have a true insider's perspective on the appellate process, having served as former law clerks, including for the U.S. Court of Appeals for the Ninth Circuit.

Representative Matters

- **Vazquez v. Jan-Pro Franchising Int'l, Inc.** Filed a merits brief before the California Supreme Court defending Jan-Pro Franchising, a commercial cleaning company, on whether the "ABC Test" for determining whether a worker has been properly classified as an independent contractor rather than an employee, can be retroactively applied.
- **Republic of Hungary, et al. v. Rosalie Simon et al. and Federal Republic of Germany v. Alan Phillip, et al.** Filed a merits-stage amicus brief in the U.S. Supreme Court for two university professors, in two high-profile matters involving litigation over Holocaust-era assets, addressing whether international comity could still provide a basis for a court to decline jurisdiction over a foreign sovereign, if no immunity exists

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under the Foreign Sovereign Immunities Act.

- **Lumens Co., Ltd. v. GoEco LED LLC et al.** Achieved total victory for Lumens Co., Ltd., a Korea-based LED manufacturer embroiled in a longstanding dispute with its U.S.-based distributor, GoEco LED, over non-payment of goods and allegations of various business torts. On appeal, the U.S. Court of Appeals for the Ninth Circuit issued a memorandum disposition affirming Lumens' victory of summary judgment finalizing the award of \$1 million in damages and dismissal of \$16 million in counterclaims.
- **Southern California Gas Company v. Syntellect, Inc.** After prevailing on a motion for summary adjudication of liability, which the U.S. Court of Appeals for the Ninth Circuit affirmed, Willenken secured a \$9.6 million judgment in a patent infringement indemnity action on behalf of the country's largest gas distribution utility, which likewise was affirmed on appeal.
- **Brian Luko v. Ticketmaster, LLC.** Represented Ticketmaster in a Song-Beverly Credit Card class action lawsuit in appeals from denial of a motion to dismiss, both to the Court of Appeal and the California Supreme Court. After a favorable ruling on appeal, Willenken secured judgment on the pleadings in Ticketmaster's favor on remand, and the putative class action was dismissed.
- **Webceleb, Inc. v. Procter & Gamble et al.** Successfully defended Procter & Gamble in a trademark infringement action stemming from its popular People's Choice Award Show, prevailing on summary judgment, which was affirmed by the U.S. Court of Appeals for the Ninth Circuit.



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