

# Litigation Practice

The primary focus of MSLLP's litigation practice is to offer our clients cost-effective experienced representation for litigation matters ranging from a few hundred thousand dollars to five million dollars. We also offer strategic counseling to clients on all matters relating to how to best prepare for litigation and/or achieve successful pre-litigation settlements. We strive to be aggressive ethical advocates for our clients.

## Intellectual Property Litigation & Counseling

- **Trade Secrets** – The “crown jewels” of every business are its trade secrets – from nascent start-ups to large public companies. MSLLP has successfully represented such clients as both plaintiffs and defendants in numerous cases. In addition, MSLLP has identified certain “high risk” companies vulnerable to trade secret theft and worked with such companies to establish tailored enforceable policies to prevent trade secret theft or, in the event of theft, a roadmap to obtain immediate injunctive relief.
- **Copyright Infringement** – MSLLP works with its clients to obtain copyright protection for their most valued intellectual property, and our lawyers have the experience necessary to rapidly enforce such intellectual property rights against infringement. In this area, MSLLP's clients are primarily individuals and small businesses who trust MSLLP to help protect them against unscrupulous competition.
- **Trademark** – The lawyers at MSLLP work with clients to register trademarks with the U.S. Patent & Trademark Office, and to counsel clients submitting trademarks for registration. MSLLP further represents clients in Lanham Act, misleading advertising and similar Unfair Competition matters.

## Employment Litigation & Counseling

- **Retaliation and Whistleblower Litigation** – In many cases, employees make unsubstantiated claims of discrimination and/or wrongdoing against their employers. Despite prevailing on such underlying claims, employers sometimes make critical mistakes in handling the reaction to and investigation of such claims. Indeed, the highest damages awards given out by juries against employers often relate to cases where the employer prevailed on the discrimination allegation but the employee prevailed on claims of retaliation. MSLLP has extensive experience counseling companies how to avoid such pitfalls, and defending them in court when litigation commences.
- **Employment Discrimination Litigation**, including Race, Gender, Harassment, Age, and Disability - MSLLP primarily defends employers against claims of employment discrimination. We have successfully obtained summary judgment for clients faced with the onerous cost of defending meritless claims. In addition, MSLLP represents individuals where evidence of discrimination is manifest and individual rights have been violated.
- **Employer/Employee Privacy Matters** – MSLLP lawyers are highly experienced in counseling clients regarding the intricacies of employee privacy rights in the workplace. The rights of employers to protect their intellectual property and their workforce can sometimes clash with employees' rights - thereby subjecting employers to potential liability. MSLLP works closely with its clients to ensure compliance with privacy laws such as the Electronic Communications Privacy Act (ECPA) and Stored Communication Act (Act), and equivalent California state laws, while at the same time maximizing the employer's rights to protect its intellectual property.
- **Wage & Hour** – This area of the law is widely misunderstood by employers and potentially devastating to small and mid-sized companies. MSLLP counsels its clients on how to properly classify workers to avoid steep penalties and lawsuits. MSLLP has also defended small and mid-sized companies against wage and hour class actions filed by current and former employees.
- **Workplace Violence** - We have obtained a multitude of Temporary Restraining Orders relating to workplace violence and employee stalking matters for small, private, and public companies.

## Business Litigation

- **Fiduciary Duty** – MSLLP has extensive experience representing clients, as both plaintiffs and defendants, in matters involving allegations of breach of fiduciary duties. From failed partnerships to unscrupulous LLC members and venture capitalists, MSLLP has successfully defended and prosecuted multiple fiduciary duty cases.
- **Contract** – MSLLP has successfully litigated numerous software-licensing matters in the Software as a Service (SaaS) industry. In addition, a staple of MSLLP's practice relates to litigating contract disputes on behalf of clients.

## Miscellaneous

- **Third Party Witness eDiscovery and Litigation Support Services** – Partnering with Precision Discovery, MSLLP provides comprehensive litigation and eDiscovery support services. Perhaps the largest case in the history of the world is the AMD v. Intel matter currently pending in the District of Delaware. MSLLP has represented a third party witness in that matter, providing comprehensive eDiscovery and document review services for more than 2.0 million pages of documents (200 gigabytes) at a fraction of the cost.
- **Third Party Witness Representation** – MSLLP represents multiple companies that receive subpoenas for documents and witness testimony, where such companies are not parties to the underlying litigation. MSLLP defends such third party witness depositions in a cost-effective manner.
- **Individual Defendant Representation** – In some cases, potential conflicts arise where Company Executives are sued in their individual capacity along with the corporation. MSLLP provides aggressive representation for such individuals.
- **Sarbanes-Oxley Investigations** – MSLLP has provided small public companies with investigative services relating to allegations of inventory manipulation and quarterly profit and loss manipulation in violation of the Securities laws. MSLLP partners with experienced forensic accountants with whom MSLLP has a strategic relationship to gather the facts and examine the books in order to provide the client (the Board's Audit Committee) with a comprehensive Report of Investigation.