

## **RICHARD HOWELL**

### **Partner**

General Business Practice

---

Orange County

(714) 662-4624

RHowell@rutan.com

Richard Howell is a senior partner with the firm and has extensive experience in a wide range of business matters, including “first chair” trial and arbitration experience in an array of commercial and business litigation matters. He graduated from the University of California at Berkeley, the Boalt Hall School of Law, in 1989 and has been with Rutan & Tucker’s litigation department for over 25 years. Rich was selected by the Daily Journal in 2004 as one of the “Top 20” attorneys under the age of 40 in the State of California.

In addition to performing a comprehensive range of transactional and other legal services for his clients, he has served as lead counsel in a variety of litigation matters and has trial and appellate experience in the state and federal courts throughout California and beyond. He has been retained in hundreds of matters, including disputes representing Cardinal Health, D.R. Horton, The Upper Deck Company, Collectors Universe, Phonak/InSound, Healthcare Services, Dean & DeLuca Brands, Western Pacific Housing, Henry T. Nicholas, III (co-founder of Broadcom), John Wayne Enterprises, The John Wayne Cancer Foundation, Vinny Smith (founder of Quest Software), Arnel Properties, the Argyros family, the Ueberroth family, Fletcher Jones, Hundred Acre Wine Group, Layer Cake Wines, The Greystone Group, Westfield, Tireco, Integral Communities, City Ventures, The Windstone Behavioral Health Group, Crave Entertainment, Wohl Investments, CareFusion, United Sports Agency, Peachtree Playthings, Michaels Stores, The Brinderson Companies, The Adopt-A-Highway Maintenance Corporation, Mossimo, Inc., and Monument Valley Distillers, as well as a variety of sports and entertainment related disputes, representing and/or involving, among others, John Wayne, The Major League Baseball Players Association, Cam Newton, Reggie Jackson, Michael Jordan, Karl Malone, Ken Griffey, Jr., Dennis Rodman, Terrell Owens, Dick Simon Racing, Team Scandia, and Mickey Mantle.

### **Areas of Focus**

- General Business Practice
- All Civil Trial Business Litigation

---

### **Related Services**

- Litigation and Trial
- Business and Commercial Litigation
- Employment Litigation and Government Agency Proceedings
- Construction
- Intellectual Property Litigation

---

### **Related Industries**

- Construction
- Food and Beverage
- Restaurants and Hospitality
- Wholesale and Manufacturers

---

### **Bar & Court Admissions**

- State Bar of California

---

### **Education**

- University of California, Berkeley, Boalt Hall, School of Law (J.D., 1989)

## Representative Matters/Cases

- University of California, Santa Barbara (B.A., 1986)

Mr. Howell has tried numerous cases in Los Angeles, Orange, San Diego, and Riverside Counties, and has served as lead counsel in arbitrations and trials in various out of state proceedings. Notable cases litigated or arbitrated to a conclusion include:

- Lead plaintiff's counsel for "Fortune 20" Company in obtaining a multi-million dollar jury verdict in a seven-week breach of product warranty case against Tyco Electronics Corporation.
- Lead counsel representing plaintiffs and cross-defendants in a seven-week jury trial in which clients obtained a multi-million dollar breach of contract, fraud, and fiduciary duty verdict and an award of punitive damages in claims arising out of clients' purchases of various jet aircraft.
- Lead counsel representing plaintiff in a month long jury trial involving oral contract/quantum meruit claims in which client obtained a multi-million dollar verdict against an industry leading technology service provider.
- Lead defense counsel representing wireless retailer chain in employment/wrongful termination claims alleged by client's former President and Chief Financial Officer. Following a two week trial, obtained defense judgment requiring plaintiff to pay the defendant/former employer approximately \$1 million.
- Lead trial counsel in action involving, among other things, the defense of constructive termination and break of employment contract claims brought against client employer by its former President. Following a seven week trial, defended all employment related claims and client awarded its prevailing party attorneys' fees and costs against its former President.
- Lead plaintiff's counsel in a three-week jury trial in which client obtained a multi-million dollar verdict and an award of punitive damages in a breach of contract/fraud trial relating to defendants' failures in connection with their research and development of proprietary medical technology.
- Lead defense and cross-complainant counsel in seven day jury trial involving compensation and termination claims by former Vice-President of technology & distribution company. Obtained jury verdict in favor of company.
- Lead defense counsel in Federal Court jury trial representing toy manufacturer/distributor and "big box" retailer defendants where nationwide franchisor plaintiff alleged trademark infringement and other intellectual property claims. Court granted dispositive rulings in defendants' favor mid-trial precipitating a settlement wherein plaintiff paid a substantial sum to defendants to reimburse attorneys' fees and costs incurred.
- Lead counsel in successfully defending a publically traded company and its Chief Executive Officer in a Maryland based trial involving Interference with Contract, Defamation/Slander and Malicious Prosecution claims.
- Lead claimant's counsel in representing Indy Racing League driver in two week AAA arbitration in Indianapolis, Indiana, in which an award was obtained against the respondent race team owner for failure to provide the requisite technical, equipment and other support to driver's racing efforts.
- Lead defense counsel in successfully defending a group of health care companies and their management team in a four week trial involving claims of breach of contract, fraud, and an accounting.

- Lead claimant's counsel in an extended arbitration matter in which client obtained breach of contract and alter ego Award against parties who failed to close on the purchase of a business enterprise.
- Lead plaintiff's counsel in two-week trial in Federal Court in which client obtained a judgment for securities/fiduciary duty related claims against founder of technology company.
- Lead claimant's counsel in two week AAA arbitration in San Francisco in which client contractor received a substantial arbitration award against project's prime contractor for various change order and related construction disputes.
- Lead plaintiff's counsel in two week breach of fiduciary duty/contract trial against a numismatics broker dealer. Obtained significant plaintiff's judgment in addition to an award of punitive damages.
- Lead counsel in highly publicized Federal Court copyright and trademark infringement action in Los Angeles. Case successfully resolved for clients after jury selection and opening statements in the wake of several pretrial trial rulings by the court disposing of many of plaintiffs' claims and damages theories.
- Lead plaintiff's counsel in four week breach of trust and breach of fiduciary duty trial. Obtained judgment ordering removal of trustee and multi-million dollar trust\client benefit.
- Lead defense counsel in a real property trial featuring claims regarding the existence of a roadway easement and claims of improper hydrology diversion/damages. Obtained a complete defense judgment following a one-week trial.
- Lead appellate counsel before the Court of Appeals of Ohio successfully obtaining a reversal of an Ohio state court order denying client the benefits of a highly valuable exclusive marketing contract.
- Lead plaintiff's counsel in one-week jury trial seeking and obtaining a verdict enforcing disputed loan obligation.
- Lead counsel in a securities fraud AAA arbitration in San Francisco in which client received an award refunding client's full investment plus interest thereon based on misleading and incomplete disclosures in the underlying securities offering.
- Lead defense counsel representing trustee defendant against charges of breach of trust and fiduciary duties. Following several trial court rulings in client's favor, case dismissed during trial with defendant client having no liability to plaintiff.
- Co-counsel in representing golf club equipment manufacturer in week long JAMS arbitration proceeding in which manufacturer obtained a breach of endorsement contract award against a well-known PGA Tour professional who failed to utilize the company's clubs in the Masters and other Tour events.
- Co-counsel in 6 week jury trial in which client obtained multi-million dollar verdict and award of punitive damages for prime contractor's improper termination of client subcontractor from a municipal downtown renovation project.
- Lead counsel in AAA and trial court proceedings representing significant corporate client against "Big Four" public accounting firm and major insurer for malpractice and related claims arising out of marketing and sale of tax shelter strategy and related insurance policy to client. The proceedings ultimately resulted in a substantial recovery for the client.

- Lead counsel for medical equipment manufacturer in obtaining injunction prohibiting medical technology products supplier from selling its automated medication dispensing technology and products to client's prime competitor. Granting of the injunction led to the prompt resolution of the matter.
- Lead claimant's counsel in two week JAMS arbitration representing Indy Racing League team owner in obtaining a significant award against a competing race team owner for improperly interfering with client's primary sponsor relationship.
- Lead claimant's counsel in two week AAA arbitration resulting in a breach of option, fraud and punitive damages award against respondent property owner.

## Awards & Honors

- Best Lawyers in America, 2018-2024

