

BUSINESS AND COMMERCIAL LITIGATION

RUTAN LAWYERS ARE AMONG THE MOST EXPERIENCED ANYWHERE IN BUSINESS AND COMMERCIAL LITIGATION.

We are highly skilled in developing litigation strategies that are cost effective and designed to achieve favorable results for our clients. We represent both plaintiffs and defendants ranging from small start-up business enterprises to Fortune 500 companies in cases involving a variety of business tort claims including but not limited to, breach of contract, interference with contract, interference with prospective economic advantage, defamation, trade libel, fraud, negligent misrepresentation and unfair competition.

Rutan also employs the most modern technologies for litigation support, including document management and evidentiary presentation systems. We generally staff our cases leanly, usually one partner and one associate per case, with additional attorneys becoming involved as the need arises.

Our object is to handle each client's case in the most effective and efficient manner possible.

Recent Successes

- A Rutan & Tucker trial team, headed by Rutan Business Litigation partner [Brad Chapin](#), recently achieved a significant trial victory in Orange County Superior Court. Mr. Chapin, along with Rutan trial lawyers [Damon Mircheff](#) and [Heather Herd](#), represented 8 clients – including an insurance brokerage, its principals, insurance brokers and other employees – in a four week jury trial during which the Rutan team defended against causes of action ranging from misappropriation of trade secrets and conversion to breach of fiduciary duty. Plaintiff insurance brokerage sought upwards of \$10 million dollars, alleging that defendants (who had previously been affiliated with plaintiff brokerage) had stolen its trade secrets, clients, client data, computer equipment and furniture when they left plaintiff's offices and started their own brokerage. In response, four defendants filed a cross claim against plaintiff's owner, alleging defamation, after the owner had contacted numerous of defendants' clients, accusing defendants of stealing from plaintiff and ransacking its offices. At trial, Rutan's attorneys demonstrated that plaintiff did not own any trade secrets and that the clients who chose to follow defendants to their new venture did so based on their relationships with the individual defendants. In short, plaintiff had no "ownership" or other right to any client or client information. Thereafter, the jury returned a verdict in favor of all defendants on each of the eight causes of action presented to it. In short, plaintiff had not established the existence of trade secrets, defendants had not stolen anything from plaintiff and defendants owed plaintiff no fiduciary duties. The jury additionally found that plaintiff's owner had defamed four defendants, and had acted with malice, oppression or fraud in so doing. The parties agreed to allow the court to decide whether to award punitive damages on the defamation cause of action and, in February 2016, the court ruled that cross-defendant had acted with malice and ordered him to pay a total of \$200,000 in punitive damages. In April 2016, the Court issued its ruling on plaintiff's final, equitable cause of action for unfair competition, finding again in favor of defendants, concluding that they had not engaged in unfair competition.
- [Brad Chapin](#) and Jeff Fohrer, partners in Rutan & Tucker, LLP's Business Litigation department, recently achieved

a significant victory in a jury trial in Santa Cruz County Superior Court, in Nogales, Arizona. Chapin and Fohrer represented an international tire distributor in an action against two affiliated companies based in Nogales, Arizona, and El Paso, Texas, through which the tire distributor sought close to \$700,000 in unpaid invoices. In response, the defendants filed a retaliatory counterclaim, initially seeking approximately \$2 million in damages for purportedly defective tires based on implied warranty claims. At trial, Rutan's attorneys demonstrated that the purportedly defective tires of which the defendants claimed had not been sold to the defendants by Rutan's client and, in addition, that the defendants did not provide the requisite notice of defect as required by the Arizona Commercial Code. The jury returned a verdict awarding Rutan's client the entirety of its requested compensatory damages – not including prejudgment interest and attorneys' fees which will be the subject of post-trial motions – and also returned a complete defense verdict in favor of Rutan's client as to the counterclaim of each of the defendants.

- [Brad Chapin](#) and [Kaydi Domin](#), both litigators in Rutan & Tucker, LLP's business litigation department, prevailed in a two-week jury trial in June 2015 in Orange County Superior Court, winning a complete defense verdict and recording a complete victory on their clients' counter-claim. The Chapin/Domin team represented three defendants (a local sewing manufacturer, Paradise Sewing, and its two owners) against claims for conversion, breach of contract, trade libel, interference, and several other claims that never made it to the jury.). Before the dispute arose in 2013, Plaintiff (ROMO Productions) was a garment production company with many lucrative government contracts and had been using Paradise for years to sew garments for Plaintiff's biggest customers (the United States Marine Corp and New Balance). In the lawsuit, Plaintiff claimed that Paradise had interfered with its contracts and ultimately secured contracts directly from the military and other military garment production companies for Physical Training Uniforms used by the United States Marine Corp and other special operation troops. At the outset of the case, Plaintiff claimed it suffered over \$10 million in lost future business with the government and military uniform contractors who were now sending their work directly to Paradise. At trial, Chapin and Domin successfully kept out key evidence Plaintiff needed to present its case to the jury, and as a result Chapin and Domin successfully argued for nonsuit on all but one of Plaintiff's causes of action. The jury was tasked with coming to a verdict on Plaintiff's conversion cause of action and on Paradise's claims for unpaid invoices. Following just over an hour of deliberation, the jury rejected Plaintiff's last remaining cause of action, and also awarded Paradise the amounts due on outstanding invoices to Plaintiff. Paradise and its owners obtained an across-the-board victory due to the winning efforts of Chapin and Domin.