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HON. TRICIA BIGELOW CASE LIST

Intellectual Property

Coast Hematology-Oncology Associates Medical Group, Inc. v. Long Beach Memorial Medical Center

12/15/2020

58 Cal.App.5th 748

After negotiations between medical center and oncology group for center to buy oncology group fell through and medical center hired oncology staff, oncology group sued the medical center for misappropriation of trade secrets. The trial court granted summary judgment in favor of medical center. Oncology group appealed, arguing "Relative Value Unit" or "RVU", a system for measuring different physicians' productivity constituted a trade secret.

Brighton Collectibles, LLC v. AIF Corporation

3/18/2020

2020 WL 1283149

Designer and manufacturer of women's fashion accessories sued a Texas company in federal court, claiming the company was infringing its copyrights by selling knockoffs of handbags, wallets, and watches. The company settled with the designer. Designer sued company in state court for breach of the implied warranty against infringement, arguing parent company supplied subsidiary with leather products that exposed the subsidiary to a rightful claim of infringement made by a third party. After a jury found the company only partly liable, designer appealed, arguing company failed to present evidence of a logical method to apportion the damages, and the jury should have been required to decide whether the damages were divisible before apportioning them.

Shame On You Productions, Inc. v. Lakeshore Entertainment Group

10/1/2018

2018 WL 4690884

Screenwriter sued studio under *Desny v. Wilder*, alleging production company used his script to make a movie without paying him reasonable compensation. The production company demurred and filed a special motion to strike pursuant to the anti-SLAPP statute. The trial court sustained the demurrer in part on the basis that the screenwriter had not directly submitted the script to the production company and therefore no contractual privity existed. The trial court denied the motion to strike because a *Desny* cause of action is generally not subject to the anti-SLAPP statute. Production company appealed, arguing the gravamen of the *Desny* cause of action was conduct in furtherance of production company's right of speech in connection with a public issue, specifically, making and releasing a motion picture.

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Ryder v. Lightstorm

3/25/2016

246 Cal.App.4th 1064

Writer brought idea submission action against movie studio and director, claiming that movie was based on his idea. He alleged causes of action for breach of fiduciary duty, breach of contract, promissory fraud, fraud and deceit, and negligent misrepresentation. The trial court granted summary judgment for studio and director. Writer appealed, arguing the two movie projects were substantially similar, studio was equitably estopped in breach of contract action from relying on director's scriptment to filter out preexisting elements of writer's movie proposal, and studio made intentional misrepresentations to writer by studying writer's proposal in order to use it to secretly develop a similar script for production.

Amay's Bakery & Noodle Co., Inc. v. Hom

5/29/2015

2015 WL 3452427

Food products business sued company and former secretary for using and profiting from the wrongful use of food products business' trade secrets after the former secretary began buying goods from food products business' suppliers and then selling them to food products business' customers under his own company name. Secretary prevailed in a motion for summary judgment supported by evidence showing, among other facts, that he had retired from all company activities well before any of the alleged misappropriation activities involved in food product business' lawsuit. Business appealed, arguing there was evidence that secretary participated in the wrongful use of its misappropriated trade secrets by conspiring with others to aid and abet the wrongful use of its trade secrets.

Young Lee v. Seung Tchul Ahn

12/30/2009

2009 WL 5127793

T-shirt manufacturer filed action against individuals who were selling T-shirts and passing them off as manufacturer's brand. The trial court sustained the individuals' demurrer on res judicata grounds. Manufacturer appealed, arguing prior voluntary dismissal was "procedural" only and not a disposition on the merits, therefore, res judicata did not apply.