

# Corporate, Contract, and Other Business Litigation Handled by Steve McNichols

- Successfully defended an international corporation who was sued by a supplier of an enterprise software system purchased by our client. The plaintiffs claimed that our client owed them money. Our client cross-complained for breach of contract claiming that the software provider had overcharged, had not performed on time, and had produced a defective product. The cross-complaint included claims for breach of contract, breach of warranty, fraud and unfair business practices.
- Jury verdict for damages and an injunction against the former CEO of a corporation who went to work for a competitor and violated a non-compete agreement. Obtained a defense verdict on a cross-complaint brought by the former CEO claiming that she was deceived into selling her interest in the corporation and misled regarding the terms of the non-compete agreement.
- Favorable binding arbitration award defending a corporation and its officers and directors and a partnership and its partners from an action brought by the widow of an officer and shareholder of the corporation and a general partner of the partnership. The plaintiff claimed that she had been deceived as to the value of company when her interest was purchased after the death of husband.
- Binding arbitration award on behalf of a UK company that installed telecommunications infrastructure in a breach of contract action against a publicly traded telecommunications provider. The award exceeded \$2 million and included all of our client's attorneys' fees and costs.
- Judgment in a court trial on behalf of a long time corporate employee who had been promised stock in the corporation by the majority shareholder in exchange for services rendered to the company. When the employee terminated his employment, the majority shareholder denied the agreement. The court found the defendant liable for fraud, misrepresentation and breach of fiduciary duty and assessed compensatory and punitive damages. Court judgment in the United States Court of Claims against the United States Navy on behalf of a government contractor for breach of contract. The court found that the Navy attempted to force our client to give up his rights under the contract by sabotaging the operation of his business located on a Navy base.
- Binding award in an international arbitration for a New Zealand inventor in an action against a Korean manufacturer for breach of a patent license agreement. The arbitration was held in Auckland, New Zealand.
- Represented partners in a real estate partnership against the managing partner who defrauded his partners and the lenders in connection with the development of a multi-million dollar housing project. Resolution of the issues involved negotiation of a complex settlement with lenders, title insurance companies, contractors, sub-contractors and bonding companies.
- Obtained a preliminary injunction for a corporation in an action against a competitor for unfair competition involving the misappropriation of trade secrets. The case was settled shortly after the preliminary injunction was obtained. The settlement included a permanent injunction.
- Judgment after a 45-day court trial in an action against a Fortune 500 company for false advertising and unfair business practices. The award included a permanent injunction, statutory damages and attorneys' fees.
- Defended a retail sales company in action by the State of California for consumer fraud. The case was settled on terms that allowed our client to continue its business profitably.
- Defended corporate shareholders and members of a partnership in an action based on the California False Claims Act. The action was brought by a whistle blower and the State of California. The State claimed in excess of \$180,000,000 in damages, penalties and interest. The case was successfully settled as to our clients before trial.
- Jury verdict for plaintiffs who operated a small business in an action against a Fortune 500 manufacturer of heavy equipment for breach of warranty, fraud and misrepresentation. The jury award included punitive damages.
- Judgment after a court trial in an action by investors against a New York Stock Exchange brokerage firm. The court found that the brokerage firm recommended investments that were not suitable to our clients' investment

objectives and that the brokers failed to disclose the risks inherent in the ownership of these securities. The court found that the defendants had violated industry standards and the federal securities laws. Multi-million settlement on behalf of the widow of a deceased corporate shareholder in an action against the corporation and its officers and directors for fraud, misrepresentation and breach of fiduciary duty in connection with the purchase of her stock under a Buy-Sell Agreement.

- Successfully prosecuted an action on behalf of a corporate shareholder in a real estate development company for dissolution and an accounting of the corporation. Represented a bank in an action against corporate directors for breach of fiduciary duty and self-dealing.
- Successfully defended a publicly held corporation in an action for wrongful discharge of employee. The plaintiff claimed that he was discharged because he was a whistle blower who exposed allegedly illegal conduct on the part of his employer. Represented a processor and packager of food products against a supplier for furnishing defective produce.
- Defended numerous manufacturers and retailers in a breach of warranty actions based upon the sale of allegedly defective products.
- Represented various real estate developers against lenders to contract lender liability actions. Many of the actions were settled by negotiated workout agreements. Represented a corporation against a former CEO of the corporation who embezzled funds from the corporation. The settlement resulted in full reimbursement to the corporation for the misappropriated funds.
- Represented several distributors against manufacturers for breach of distributorship agreements. Most of the cases resulted in a settlement that compensated the distributor for the unjustified termination of the distributorship agreement.
- Represented purchasers of a business in an action against the business opportunity broker for failure to disclose material facts.
- Defended the seller of a business in an action by a business opportunities broker for a commission. The defense was based upon the fact that the broker breached his fiduciary duty and failed to perform the terms of the listing agreement.