

## BRENT CASLIN, Partner

*Brent Caslin is an experienced litigator who has tried civil and criminal matters, represented clients in domestic and international arbitration tribunals, and won appeals before state and federal appellate courts. He co-founded the firm's Los Angeles office in 2009, and now serves as a member of the leadership team for the firm's premier Complex Commercial Litigation Practice. Although Mr. Caslin's experience spans a diverse range of subject matters, he has particular experience in the following industries and practice areas.*

### **Cross-Border Disputes**

Mr. Caslin regularly handles cross-border disputes for clients from outside the US. In 2003 and 2004, a lawyer exchange program allowed him to work on international legal matters in Tokyo with the prominent Japanese law firm Mori Hamada & Matsumoto. He also served the State Bar of California's International Law Section in a number of support and leadership roles and was elected chair of the section for the 2011-2012 term. Mr. Caslin has successfully resolved – through settlement, dispositive motion, or trial / arbitration – scores of cross-border disputes across the United States and Asia-Pacific regions.

### **Energy Industry**

Mr. Caslin has also provided a range of legal services to companies with ties to the energy industry, including The AES Corporation, Shin Nippon Machinery, Edison International and Southern California Edison. His experience working with energy companies includes disputes related to power purchase agreements, insurance coverage, indemnity claims, equipment provision contracts, climate change litigation, wrongful death claims and other commercial disputes.

### **Corporate Transactions & Corporate Control Disputes**

Mr. Caslin also has considerable experience with disputes relating to corporate transactions and ownership rights. He has represented private equity firms, individuals, publicly traded corporations and private companies through purchase price adjustment processes, indemnity claims, and corporate control disputes. Mr. Caslin has twice won affirmative fraud claims in arbitration proceedings and successfully defended or resolved dozens of other arbitration matters related to corporate transactions.

### **Trade Secrets Litigation**

Mr. Caslin is a former co-chair of Jenner & Block's Trade Secrets and Restrictive Covenants Practice. He has written more than a dozen articles on trade secret and computer fraud law, and regularly represents clients in trade secret disputes. Some of his high-profile trade secret matters include *Move, Inc., National Association of Realtors, et al. v. Zillow, Inc., et al.* (\$130 million settlement in Seattle, Washington) and *Epic Systems Corp. v. Tata Consultancy Services, et al.* (\$940 million jury verdict in Madison, Wisconsin). As part of this work, Mr. Caslin has been through a number of PI and TRO proceedings involving trade secrets. In 2017, he received a California Lawyer Attorney of the Year (CLAY) award for his work in the Trade Secrets category. He has several



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### **PRACTICE GROUPS**

Complex Commercial Litigation  
Energy  
Information Technology Disputes  
Intellectual Property  
International Arbitration  
Japan Practice  
Litigation  
Patent Litigation and Counseling  
Real Estate and Construction Litigation  
Real Estate Litigation and Counseling  
Technology and Sourcing  
Trade Secrets and Restrictive Covenants

### **EDUCATION**

Pepperdine University School of Law, JD,  
1998; *cum laude*; Member, *Pepperdine Law Review*

Western Washington University, BA, 1994

### **ADMISSIONS**

California, 1998

District of Columbia, 2002

Washington, 2005

### **COURT ADMISSIONS**

US Supreme Court

Supreme Court of California

Supreme Court of Washington

US Court of Appeals, Ninth Circuit

US Court of Appeals, Seventh Circuit

US Court of Appeals, Fifth Circuit

US District Court, Western District of

times been recognized as a standout lawyer in the trade secrets category by *The Legal 500*, and recognized by the Los Angeles / San Francisco Daily Journal as one of its *Top Trade Secrets Lawyers* for 2020 and 2021.

## **Defense Industry**

As a US Army veteran, Mr. Caslin is comfortable working with defense professionals and government contractors. Over the years, he has represented General Dynamics, Hughes Aircraft Company, Hughes Electronics, United Technologies, Raytheon, Sumitomo Heavy Industries and others in a variety of commercial disputes. He has a security clearance and experience working on classified legal matters, including those involving the state secrets privilege.

## **Construction and Engineering Disputes**

Mr. Caslin has represented owners, professional service firms and contractors in litigation and arbitration matters involving commercial properties, including disputes over the design and construction of a large retail shopping center in Nevada, a water facility in Los Angeles, a group of commercial buildings in Southern California, a warehouse complex in Arizona, an energy production and water treatment facility near San Diego, a government office complex in Northern California and a commercial manufacturing facility in South Carolina. In 2018, Mr. Caslin represented an injured US military veteran in a state court litigation over the faulty construction of his home in Washington State.

Legal industry publications have favorably commented on Mr. Caslin's work. *The Legal 500*, most recently in 2020, identified him as a "quality partner" with a "proven track record." *Southern California Super Lawyers* has consistently, for more than a decade, recognized Mr. Caslin as a "Rising Star" and "Super Lawyer" in business litigation. He has also received Martindale-Hubbell's highest peer recognition rating for legal ability and ethical standards.

In addition to practicing law, Mr. Caslin taught law as an adjunct professor with the Pepperdine University School of Law from 2004 until 2012. Prior to law school, Mr. Caslin served in the US Army with the 212th Field Artillery Brigade (now part of the 1st Armored Division).

## **Commercial Litigation Matters**

- Brent led a team representing a substantial energy firm in a commercial dispute over contractual indemnity obligations arising from a series of wrongful death actions and a related regulatory investigation. The case was filed in the US District Court for the Central District of California and settled favorably in 2018.
- In support of a Japanese manufacturing firm, Brent led a cross-office team through a cross-border dispute regarding the design and construction of a complex manufacturing facility. The case began when the opposition filed a state court lien against a factory project claiming rights to payment of a substantial amount of money and, following a civil action in the US District Court for the District of South Carolina, ended in 2018 with a favorable settlement in which that opponent delivered a financial payment to the firm's client.

Washington

US District Court, Eastern District of Washington

US District Court, Southern District of California

US District Court, Northern District of California

US District Court, Central District of California

US District Court, Eastern District of California

US District Court, Western District of Wisconsin

US District Court, District of Colorado

- Represented News Corp subsidiary Move, Inc., as well as the National Association of Realtors and multiple subsidiary companies in a lawsuit against online real estate portal Zillow. The plaintiffs, who own and operate the realtor.com website, brought claims for trade secret misappropriation, breach of contract and breach of fiduciary duty, among others, in the King County Superior Court in Seattle, Washington. The allegations focused on Zillow's \$3.5 billion acquisition of Trulia, including the misappropriation of trade secrets related to a new product strategy and evidence destruction. The case ended with a \$130M settlement on the first day of trial in 2016.
- In 2014, led the initial investigation and filing of a civil action against Tata Consultancy Services Limited and its Indian parent company for trade secret misappropriation, breach of contract and violations of the Computer Fraud & Abuse Act, among other claims, in the US District Court for the Western District of Wisconsin. After extensive discovery and motion practice, the case was tried to a jury in 2016 by partners Rick Richmond and Nick Saros while Brent was engaged on another trial matter. The jury awarded our client \$940 million, which is believed to be the largest jury verdict of any kind in the history of Wisconsin and one of the largest trade secret verdicts in US history.
- Led a team representing a major energy company in a dispute seeking damages against a media company for breach of contract for failure to procure insurance and provide indemnity as required by a contract and against an insurance company and its servicing agent for breach of certain CGL and excess policies. The case was filed in the US District Court for the Central District of California and settled favorably in 2015.
- Led a team in a complex dispute in Nevada relating to the construction of a large commercial retail project. The case, which involved a half dozen parties and ten insurance companies, settled favorably just before trial.
- Represents as lead / organizing national counsel a Japanese manufacturer of equipment used in the energy industry in a series of tort claims brought in various state courts across the country.
- Represented a US defense contractor in a civil matter filed in San Diego Superior Court and removed to the US District Court for the Southern District of California. The case focused on the training of US special operations personnel and the State Secrets Doctrine. It settled favorably and was dismissed in 2015.
- Successfully defended a manufacturing company in a class action alleging that certain employment practices violated California law. All class claims were dismissed as a result of several motions, and the lone remaining individual claim was settled for a minimal amount in 2014.
- Successfully defended a major manufacturing firm in a *qui tam* dispute related to software for certain military aircraft and unmanned aerial vehicles. The case was dismissed with prejudice under Rule 12 and judgment was entered for our client in early 2014.
- Defended a leading professional services corporation from a negligence claim brought by a national bank. After a series of motions to dismiss and multiple pleading attempts by the plaintiff, the case was dismissed with prejudice and judgment was entered in favor of the defendant by the US District Court for the Central District of California in 2013.
- Represented a post-production business in the entertainment industry in a dispute with a vendor from China involving claims for breach of contract and various business torts. The case settled in 2013.
- Defended an international information services and publishing firm, including several subsidiary companies and senior executives, in a complex business dispute involving an alleged corporate acquisition and allegations of fiduciary violations, fraud, trade secret misappropriation and the claimed breach of alleged oral employment and intellectual property licensing agreements. The case went to trial before the US District Court for the Central District of California, resulting in a complete defense verdict in December 2012.
- Represented a heavy equipment manufacturer from Japan in a business dispute filed in the US District Court for the Southern District of California. The plaintiffs alleged fraud, breach of contract and breach of fiduciary duties in connection with the acquisition of a US company. The case settled very favorably as discovery closed in 2012 with no evidence of wrongdoing by the defendant.

- Defended a substantial US manufacturing firm in a dispute related to wholesale pricing for certain products in California. The plaintiff voluntarily dismissed the case in 2012 after a defense motion was filed with the San Diego Superior Court.
- Represented in the US District Court for the District of San Diego a major ship-builder in a class action matter relating to certain employment practices.
- Represented a military hardware manufacturer in defending a products liability claim and in seeking indemnity from the responsible party. The cross-defendant in the case accepted its indemnity obligations after cross-claims were filed in the Los Angeles Superior Court.
- Defended a substantial international energy producer in a class action lawsuit alleging improper pricing of electricity produced by a power generating facility in Hawaii. A motion to dismiss victory was upheld at the Hawaii Intermediate Court of Appeals and the Supreme Court of Hawaii.
- Represented an energy company and several citizens in connection with an unfairly written initiative that sought to single out the energy company for a substantial new tax liability. The team obtained a writ of mandamus from the Los Angeles Superior Court requiring that the ballot materials be written in a fair manner, and the voters then rejected the ballot measure in the Fall 2009 election cycle.
- Represented an internet retailer in its effort to prevent a former member of the company from misappropriating confidential information to start a competing venture. The complaint alleged violations of the Computer Fraud & Abuse Act, breach of contract, breach of fiduciary duties and other business torts against several defendants, who settled the case quickly after it was filed in the US District Court for the Western District of Washington in 2008.
- Represented an energy company in a lengthy dispute over a \$72 million tax bill relating to a power generating facility's use of natural gas in the creation of electricity. The client was fully vindicated following a two-week bench trial before the Los Angeles Superior Court, which rejected the attempt to tax the energy producer.
- Working with a small group of lawyers on an emergency basis, obtained a temporary restraining order and a preliminary injunction stopping a former business associate from destroying the value of an investment portfolio valued at more than \$2 billion. The case was filed in Orange County Superior Court, and the orders granting interim relief were successfully defended several times in the California Court of Appeals.
- Worked with a team of lawyers in New York and Los Angeles to seek a remedy for a defendant's breach of a most favored nation provision relating to a television licensing deal for 18 stations around the United States. The case was filed in Los Angeles Superior Court and later settled on favorable terms.
- With a team of lawyers, assumed responsibility for a large class action matter against a substantial energy company in which the plaintiffs claimed they were owed more than \$100 million. The case favorably settled just before trial.
- Represented two large defense contractors in a case that spanned several years and resulted in a two month trial in Los Angeles Superior Court regarding a lease for several midrise commercial buildings in Los Angeles and the physical condition of those buildings at the end of the lease term. The trial was bifurcated into phases and settled after a Phase I trial victory.
- Defended a group of German and American pharmaceutical firms over a period of years in connection with civil actions brought by the states of California, Alaska, Idaho, Alabama, Hawaii and others alleging fraudulent pricing and reimbursement schemes for pharmaceutical products utilized by state and federal medical plans.
- Represented, pro bono, a homeless gentleman whose arms were burned by a chemical while working as a day laborer at a meat packing facility in Los Angeles. The case settled during the discovery period.

## Arbitration Matters

- Successfully led a team of Jenner & Block lawyers representing a technology company in the financial services sector through an arbitration process in 2017-2018 relating to a portfolio of fraudulent loan transactions. After pre-hearing motions focused on evidence destruction and disclosure misconduct, and an evidentiary hearing on the merits in Chicago, the arbitrator ruled in favor of Jenner & Block's client and awarded several million dollars in damages for fraud, breach of contract, and lawyers' fees / costs.
- Represented a substantial US manufacturing firm in a real property dispute following the termination of a lease for an industrial facility in Arizona. The case settled at mediation.
- Defended a California private equity firm in an arbitration proceeding relating to the value of certain fund distributions. The case was brought under the rules of the AAA and settled favorably in 2004.
- Defended a Boston private equity firm's portfolio company in a three-month AAA arbitration proceeding in which the claimant demanded tens of millions of dollars under a series of acquisition and employment agreements. During the course of the case, the defense team discovered that the claimant had manipulated financial documents related to the sale of his company and brought a counter-claim for fraud. The claimant's claims were eventually denied and the counter-claim for fraud was won, causing the claimant to refuse to proceed with the damages phase of the arbitration.
- Brought claims on behalf of a private equity firm under a AAA provision related to the acquisition of a company in Southern California and successfully obtained a purchase price adjustment.
- Represented a Japanese manufacturer of heavy equipment for the energy and construction industries in a cross-border arbitration dispute.

## Intellectual Property Litigation

- Working closely with Jenner & Block's patent litigation team, defended a group of related Japanese electronics manufacturers in two patent infringement matters in the Eastern District of Texas and the Southern District of Texas in 2012.
- Represented a Japanese computer hardware manufacturer in a licensing dispute with a US patent licensing firm in California.
- Defended an energy drink company from an aggressive trademark infringement claim from a competitor, resulting in a favorable settlement.
- Represented an online content distribution company in a keyword advertising trademark dispute in the Northern District of California.
- Represented the owner of 18 pieces of fine art in a series of litigation matters filed in New York and Los Angeles by the heirs of the deceased artist, who claimed rights in the works. The disputes later settled on favorable terms.
- Obtained, with a small group of quality lawyers, an injunction for a defense contractor to stop a competitor from using confidential information and electronic data obtained in violation of fiduciary duties, written contracts, the Trade Secrets Act, and the Computer Fraud & Abuse Act. The US District Court for the Central District of California entered severe financial and evidentiary sanctions against the defendants and entered an order precluding the defendants from certain business.
- As part of a large team of quality lawyers, defended an international automotive parts manufacturer from allegations of patent infringement relating to a semiconductor used in an electronic control unit for a power steering system. At the close of discovery, with summary judgment pending on invalidity and infringement, the plaintiff voluntarily dismissed its case.

- Represented a software company in a dispute alleging copyright violations of a software product used in the automobile insurance and aftermarket parts industries. The case resulted in a favorable settlement for our client.
- Supported the defense of a British bank in a California dispute centered on the ownership and distribution of a film. The case alleged various copyright violations and breaches of contract, and was settled at a mediation.

## Appellate Matters

- In an appeal before the Ninth Circuit Court of Appeals, successfully represented, in a pro bono matter, an immigrant from China who claimed persecution in her home country due to her Christian faith. The Ninth Circuit reversed a lower decision finding the client was not credible and found her eligible for asylum and withholding of removal.
- Successfully led a team representing a pro bono client in the Seventh Circuit Court of Appeal, in one of the first deportation proceedings involving someone from the Republic of South Sudan. The case included a novel development when, a month after the oral argument before the Seventh Circuit, South Sudan declared independence and was recognized as a new republic, fundamentally changing the geopolitical circumstances framing the petition. The Seventh Circuit vacated removal of the client and ordered the Board of Immigration Appeals to devise a protocol for dealing with future deportations involving the newly recognized country.
- Represented a Southern California manufacturing company in the California Court of Appeal defending a decision of the Los Angeles Superior Court that denied certification of a class action proceeding.
- Working with a small team of Jenner & Block lawyers, represented a substantial energy company in a series of appeals to the Fifth Circuit Court of Appeal and the US Supreme Court involving claims that leading energy companies should be held responsible for damage from weather events allegedly caused by climate change.

## Awards

- *California Lawyer & Daily Journal*  
California Lawyer Attorney of the Year (CLAY) Award, 2017
- *Daily Journal*  
Top Trade Secret Lawyer, 2020, 2021
- *Legal 500*  
Intellectual Property - Trade Secrets (Litigation and Non-Contentious Matters), 2017-2018, 2020-2021  
Recognized several times in the Intellectual Property and Litigation volumes of the *Legal 500*, as a "partner with a proven track record in trade secrets work."
- *Southern California Super Lawyers*  
Business Litigation, 2011, 2013-2021  
"Rising Star", 2008-2010
- Jenner & Block Mentorship Award, 2011

## Educational

- Pepperdine Law School  
Adjunct Faculty Member, 2004-2012

## Service To The Bar

- The State Bar of California  
Executive Committee, International Law Section, including service as an Advisor, Member, and Officer of the Committee (2004 - 2012). Mr. Caslin was elected chair of the International Law section for the 2011-2012 term and now serves as an Advisor Emeritus.
- The Inter-Pacific Bar Association  
Member and service on the Host Committee for the IPBA's 2008 Annual Meeting in Los Angeles, California.

## Publications

- Co-Editor, Trade Secret Update: Key Developments and Issues to Watch in Trade Secret Law | Spring 2021 Update, March 24, 2021
- Co-Author, Trade Secret Update: Key Developments and Issues to Watch in Trade Secret Law | Winter 2018 Update, December 18, 2018
- Co-Author, "Recent Developments Regarding Trade Secret Civil Protection in the United States," *LexisNexis Japan's Business Law Journal*, January 2019
- Co-Author, "Trade Secrets and Computer Fraud Claims Persist," *Daily Journal*, December 7, 2017
- Co-Author, "Trade Secrets Venue Considerations," American Bar Association, Section of Litigation's *Intellectual Property Litigation Newsletter*, February 7, 2017
- Co-Author, Trade Secret Update: "Key Developments and Issues to Watch in Trade Secret Law", Fall 2016
- Co-Author, "The Alien Tort Statute: Its Birth, Evolution and Demise," *California International Law Journal*, Fall 2013
- "Hacking Law Applies To Trade Secret Litigation," *Los Angeles Daily Journal*, April 27, 2011
- "*La Societe des Auteurs des arts visuels et de l'Image Fixe (SAIF) v. Google: A Parisian Story of the Berne Convention and Online Infringement Claims*," *The California International Law Journal*, Spring 2011
- "Trade Secrets Claims Face Uphill Battle in the Courts," *Los Angeles Daily Journal*, October 27, 2009
- "Company Confidential," *Los Angeles Daily Journal*, August 13, 2008
- "Martin Ramirez Artworks Spark Legal Battle" *Los Angeles Times*, August 13, 2008
- Contributing Author, *Strategies for Successful Arbitration*, Aspatore Books, 2008
- Co-Author, "California's Unique Rules on Restrictive Employment Covenants and the Potential for Extra-territorial Effect," *Inter-Pacific Bar Association Journal*, December 2007
- "The Growing Foreign Assault On U.S. Internet Speech and Jurisdiction of U.S. Courts to Declare Foreign Judgments Invalid," *California International Law Journal*, Fall 2006
- "*International Airport Centers v. Citrin* and the U.S. Computer Fraud and Abuse Act," *International Bar Association Technology and E-commerce Newsletter*, September 2006
- Co-Author, "Guidance for US Trade Secret Law," *Right Now Magazine*, August 2006
- "Employers Take Advantage of Computer Fraud Law," *Inside Counsel*, May 5, 2006

- Co-Author, "Before Signing Your Next Nondisclosure Agreement, Count to Ten," *ACC Journal*, January 2006
- "*Provident Savings Life Assurance Society v. Ford*: 120 Years of Shenanigans Designed to Destroy Diversity Jurisdiction," 41 *Willamette Law Review* 101, 2006
- Co-Author, "Pros and Cons of Using Arbitration to Settle Cross-Border M&A Disputes," *Mergers & Acquisitions Magazine, International M&A Supplement*, November 2005
- "Firms Fight for Limited Pool of China Experts," *San Francisco Daily Journal*, October 27, 2005
- Co-Author, "Can You Keep a Secret? Trade Secret Laws are Simple and Enforceable. Here's How Your Company Can Protect Itself," *Pharmaceutical Executive Magazine*, April 2004
- "Understanding What Constitutes 'Reasonable Particularity' Can Be The Decisive Element In Trade Secret Litigation," *Los Angeles Lawyer Magazine*, April 2004
- "Gender Classifications and *United States v. Virginia*: Muddying the Waters of Equal Protection," 24 *Pepperdine Law Review* 1353, 1997

## Speaking Engagements

- Co-Chair, Trade Secrets Seminar: An Up-to-Date Deep Dive into the Current Status of Trade Secret Enforcement and Litigation, May 04, 2018
- Presenter, "Choice of Forum in Trade Secret Disputes" Seattle Technology Law Conference, December 01, 2017
- "Protecting Trade Secrets: New Case Law and Legislative Developments," Seattle Conference on Technology Law, Seattle, WA, December 13, 2013
- "A 2013 View: U.S. Litigation and Arbitration," Tokyo, Japan, October 31, 2013
- "10 Questions About Arbitrating in Asia," International Arbitration Conference, Los Angeles, CA, May 09, 2013 to May 10, 2013
- "Cross-Border Litigation: Recent Developments and Hot Topics," The State Bar of California 85th Annual Meeting, Monterey, CA, October 13, 2012
- California International Lawyer of the Year Award Reception, the 85th Annual Meeting of the State Bar of California, Monterey, CA, October 13, 2012
- "Intellectual Property Issues Facing Japanese Companies and Cross Border Business," California Bar Association and Daiichi Tokyo Bar Association, Los Angeles, CA, November 04, 2011
- Panelist, "Dispute Resolution and Arbitration, Technology and Communications," Inter-Pacific Bar Association 20th Annual Meeting, Kyoto, Japan, April 22, 2011
- The Inter-Pacific Bar Association, National Asian Pacific American Bar Association, and California State Bar International Law Reception, San Francisco, CA, February 01, 2011
- International Law Section of the State Bar of California and the Tokyo Dai-Ichi Bar Association, Tokyo, Japan, May 12, 2010
- The Center for International and Comparative Law, Whittier Law School and the International Law Section of the State Bar of California 27th Annual International Law Symposium, Irvine, CA, April 16, 2010

- “New Risks and Trends around the Computer Fraud and Abuse Act and the Law of Trade Secrets,” Northwestern University Law School - Executive and Professional Education: 48th Annual Corporate Counsel Institute, San Francisco, CA, December 03, 2009 to December 04, 2009