

## Technology MVP: Jenner & Block's Rick Richmond

By **Sophia Morris**

*Law360, New York (December 22, 2016, 1:33 PM EST)* -- Jenner & Block's Rick Richmond earned himself a place on Law360's list of Technology MVPs when he secured a \$940 million jury award for Epic Systems Corp. in its trade secrets suit against Indian conglomerate Tata Group — believed to be the largest jury verdict in Wisconsin history.

Richmond is a managing partner at Jenner & Block LLP and one of the founders of its Los Angeles office. In the Epic Systems case, Richmond had to convince a jury that a theft of Epic's trade secrets had occurred when much of the supporting evidence had been deleted or destroyed.

Epic, based in Madison, Wisc., sued Tata Consultancy Services Ltd. and Tata America International Corp., two units of Tata Group, in federal court after the theft of confidential information related to software that Epic develops for health care companies.

One of the central challenges of the case was proving that the information had in fact been taken, and then showing that it had been used by Tata to gain a competitive advantage in the health care software market. The massive size of Tata's operation made tracing the stolen information tricky, as did Tata's alleged destruction of evidence.

"We knew they had taken it, we knew they were not supposed to take it, we knew they were taking it for reasons that were not appropriate," Richmond told Law360. "But being able to trace that information, from the point where they took it to where they were actually using it became a very difficult challenge."

Richmond and his team questioned 50 witnesses over a period of less than two weeks. Breaking down the sheer volume of witness testimony in such a short amount of time proved challenging, Richmond said. In order to get across the scale of the deception and deletion of evidence, he needed to give the jury "a lot of small bits of information, from a lot of people, to tie that whole story together."



Rick Richmond  
Jenner & Block

A significant boost to Epic's case came when the judge issued an adverse inference instruction to the jury.

"The instruction is basically you don't have to, but you can if you want to, presume that the information that was destroyed would have been to the detriment of Tata," said Richmond. "That helped us a lot in the case, just kind of bridging that gap between the information having been stolen, and exactly where it went and how it was used."

Richmond was rewarded for his efforts in April when the jury awarded Epic a total of \$940 million: \$700 million in punitive damages and \$240 million in compensatory damages. Richmond said the award is believed to be the largest jury verdict of any kind in Wisconsin history. Tata has been pushing to vacate the award, with the court yet to enter final judgment in the case.

In his closing argument, Richmond said he urged the jury to consider what amount of damages would impact Tata Consultancy Services, a company whose profits for the previous year had been around \$3.5 billion. "We argued, what will it take to send this company a message to not do this again," he said. The jury appeared to have listened.

--Editing by Orlando Lorenzo.