

California LAWYER

LITIGATION



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The long-running legal battle between MGA Entertainment and Mattel over the popular Bratz dolls finally came to a close last year. In April this team of lawyers first persuaded a federal jury to reject Mattel's copyright infringement and trade secret claims against MGA Entertainment—and then convinced jurors that Mattel was the party that engaged in corporate espionage against MGA, stealing its trade secrets at toy fair meetings.

The litigation began in 2004 when Mattel accused a former employee of creating the Bratz doll line for MGA while he was still working for Mattel. (Skadden, Arps, Slate, Meagher & Flom represented MGA at the time.) In 2008 Mattel won a \$100 million copyright infringement judgment and an injunction preventing MGA from selling Bratz products anywhere in the world. On appeal, the Ninth Circuit remanded the case for retrial because of errors committed by the jury and trial judge.

Orrick attorneys Hurst, McConville, Mingrone, and Molinski began their work while the case was on appeal. A core team of about 20 Orrick lawyers helped them handle more than 200 volumes of depositions and put together a massive motion to compel on some 900 document requests. Molinski discovered key Mattel documents and deposed

a former Mattel manager who admitted to engaging in corporate spying, which enabled Hurst and McConville to introduce MGA's counterclaim of trade secret violations.

In November 2010 Hurst and McConville won a summary judgment that knocked out many of Mattel's claims. Then, just two weeks before the trial began in January, MGA and its CEO Isaac Larian tapped Keller, a criminal defense attorney from a three-lawyer firm, to join the trial team. Keller handled opening and closing arguments and examined about a third of the more than 60 witnesses; Hurst and McConville examined the rest.

Mingrone provided key back-office support at Orrick. Shalinsky prepared Keller's examination outlines, opening statement, and closing argument. After a nearly four-month trial and eight days of deliberation, the jury rejected Mattel's claim and rendered a sweeping verdict in favor of MGA, including \$88 million in damages. Although district court Judge David O. Carter shaved that amount to \$85 million, he also doubled it by awarding punitive damages. With legal fees, the total award was nearly \$310 million.

Orrick's Warrington Parker in San Francisco and Keller's partner Kay Rackauckas in Irvine also worked on the case.

The CLAY Awards

2012 AWARD WINNER

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