

News & Types: News

2025 Litigation Snapshot - A Look at a Few of the 2024 Successes of the Litigation Practice Group

2/27/2025

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Practices: Litigation

Favorable Resolution of Racketeer Influenced and Corrupt Organization (“RICO”) Claims in U.S. District Court, Ninth Circuit Court of Appeals, and the U.S. Supreme Court, June 2024.

Asa W. Markel, Jiwon J. Yhee, Nancy E. Sasamoto, and Patrick M. Kelly represented a Luxembourg-based defendant in a civil RICO lawsuit involving multiple defendants located in France, Russia, Luxembourg, London, Monaco, and other countries, with the Plaintiff seeking over \$170 million in damages. Masuda Funai obtained an initial dismissal on behalf of its client in the U.S. District Court for the Central District of California, which was then appealed to the Ninth Circuit Court of Appeals and, ultimately, to the United States Supreme Court. The case was eventually remanded to the district court, after which Masuda Funai swiftly obtained a dismissal of several of Plaintiff’s claims against its client. Thereafter, Masuda Funai reached an amicable resolution with all parties and secured a dismissal with prejudice of its client in the case.

Jury Trial Victory in a High-Profile Esports Case, 2024.

After two years of litigation, **Asa W. Markel** and **Shane Bekian** secured a full defense verdict for an esports client against one of its former players. The player sought \$5 million in damages, claiming his former esports team unfairly converted his stock ownership following an acquisition of the team and caused him to sign disadvantageous contracts without fully understanding their implications. In defense, the esports team maintained that it upheld its contractual commitments to the player and advised him to seek legal counsel. Following a month-long trial and thorough presentation of evidence and witnesses, a 12-member jury rejected all of the player’s claims, siding entirely with the esports team on every count. The verdict garnered significant media attention in the gaming community and highlighted the importance of professional players obtaining legal counsel when making informed business decisions.

Favorable Resolution and Enforcement of Restrictive Covenants Secured, 2024.

Reinhold F. Krammer and **Patrick M. Kelly** obtained a favorable settlement that included a substantial monetary recovery and the enforcement of non-competition and non-solicitation provisions for an Austrian/German-based global manufacturer and seller of building products and related services. Extensive and expedited discovery issued as a result of the filing of motions for a temporary restraining order and a preliminary injunction revealed that, among other things, the opposing party, a former U.S.-based joint

venturer, systematically replaced our client's quotes with competitive alternatives and stole or attempted to steal over a dozen customer construction projects by misusing the client's proprietary information including trade secrets, costing information and customer lists. By obtaining a favorable settlement while our motion for preliminary injunction was pending, Masuda Funai's client protected its valuable market position and proprietary information within the North American market.

Favorable Resolution of Multi-State Litigation, 2024.

A former customer filed suit against Masuda Funai's client, a global manufacturer of industrial equipment, asserting a variety of commercial claims, including, but not limited to, fraud, negligent representation, and breaches of implied warranties. The customer filed the case in the U.S. District Court for the Central District of California under California law, even though the parties' terms and conditions stated that the case should be brought in Illinois under Illinois law, in an attempt to avoid the enforcement of certain other contractual provisions in the parties' contract. **Asa W. Markel** and **Jiwon J. Yhee** successfully transferred the lawsuit to the client's preferred home forum in the Northern District of Illinois. This transfer gave the client a significant substantive and cost advantage and prevented its opponent from obtaining a jury trial and from avoiding the enforcement of specific contractual provisions between the parties. After significantly undercutting the opponent's claims in subsequent depositions, **Jiwon J. Yhee**, **Gary Vist** and **Christen McGlynn** obtained a favorable settlement for a very small fraction of the amount originally demanded by the customer.

Dual Victory in Employment Dispute Actions in the District of South Carolina, 2024.

A former employee of Masuda Funai's client filed two separate lawsuits in South Carolina state court against the client company and its principals, alleging breach of contract for non-payment of wages. **Jiwon J. Yhee** and **Christen McGlynn** successfully removed the cases and had both consolidated before the U.S. District Court for the District of South Carolina. They obtained a favorable global resolution for the client that consisted of a complete dismissal of all claims.

Masuda Funai Obtains Dismissal of Trademark Infringement Lawsuit in Federal District Court in Nevada, March 2024.

In *Smart Rain Systems, LLC, Plaintiff v. Röhren -und Pumpenwerk Bauer Ges.m.b.H. and Bauer North America, Inc.*, No. 2:22-cv-00232-CDS-EJY, 2024 U.S. Dist. LEXIS 53664, at *1 (D. Nev. Mar. 25, 2024), **Michael S. Golenson** and **Reinhold F. Krammer** successfully obtained dismissal of Plaintiff's complaint alleging trademark infringement against an Austrian parent company and its U.S. subsidiary. The Court agreed that alleged attendance at a single trade show in Nevada and the general operation of a website was insufficient to confer personal jurisdiction over Masuda Funai's clients in Nevada.

Favorable Resolution of Lawsuits in Federal District Court in Michigan and State Court in Delaware Involving Patent Ownership and Licensing, Breaches of Contract, and Delaware Corporate Law, August 2024.

Reinhold F. Krammer and **Michael S. Golenson** obtained a favorable resolution of related lawsuits in federal district court in Michigan and state court in Delaware on behalf of a German developer and manufacturer of plasma treating technology and equipment and its U.S. subsidiary. The lawsuits involved various claims and counterclaims related to patent ownership and licensing, breach of contract and restrictive covenants, including

a non-compete, redemption of joint venture shares based upon purported breaches of notice requirements, and violations of Delaware's General Corporation Law, including breaches of fiduciary duty.