

# Awards Ceremony at Irvine Marriott

November 16, 2023



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# Alteryx: In-House Team Prioritizes Advancement

■ By EMILY SANTIAGO-MOLINA

The in-house legal team of Irvine-based **Alteryx Inc.** (NYSE: AYX) have spent the past year witnessing the fruits of their labor.

Alteryx purchased three separate cloud-based data companies in 2022 with negotiations and documents heavily involving the legal team.

The \$40 million acquisition of San Francisco-based **Trifacta** was the largest deal ever for the data analytics software maker.

“Since last year, we’ve been helping to integrate Trifacta’s people and products with Alteryx,” Chief Legal Officer **Christopher Lal** told the Business Journal.

He points to the company’s evolving Analytics Cloud Platform as the culmination of all their work. The company has been expanding the cloud-based capabilities of its flagship products since the platform was first announced in March 2022.

The number of Alteryx customers utilizing the cloud platform increased more than 30%

year-over-year in the first quarter, the company reported.

“A significant priority is showing the capability of the cloud platform and how it can be used for both small and large organizations,” Lal said.

The 30-plus department won the Best In-House Legal Team Award at the Business Journal’s **General Counsel Awards** last November.

Alteryx is Orange County’s most valuable publicly traded software company with a market cap of \$2.7 billion as of press time. At the end of September, shares were trading at around \$38 apiece.

Since January, Alteryx has made nine investments with recent partners including **Fiddler**, which specializes in machine learning models.



Chief Legal Officer Christopher Lal, far left, with other Alteryx legal team members

The company debuted its \$50 million venture fund dubbed **AYX Ventures** in 2021 focused on tech and data science.

Lal said the team has also made “signifi-

cant advancement” with new and existing partners.

Last March, the firm became an authorized partner for the **Department of Defense** to provide training and certifications in data analytics to active-duty service members as they transition back to civilian careers in a program called **SkillBridge**.

Alteryx also recently expanded its partnership with **Google** and its cloud platform to improve data preparation capabilities in August.

“Data and analytics are something every organization is going to struggle with eventually,” Lal said. “We will make sure to expand the

[consumer] understanding of the possibilities of how Alteryx can be used almost limitlessly.” ■

# Njeri Mutura: Intersection of AI and Law

■ By KEVIN COSTELLOE

**Njeri Mutura**, a top legal executive at **Microsoft Corp.**’s Irvine hub, says artificial intelligence is exciting but also creates a big responsibility for lawyers.

“It’s a very interesting time to be at the intersection of law and technology,” Mutura says.

Mutura grew up in Kenya and finished the latter part of high school in Canada, before obtaining her law degree from the **University of Windsor** in Canada and setting out on her legal career.

She is now the assistant general counsel of strategic pursuits and complex technology transactions for the Americas at Microsoft. Mutura was honored at the Business Journal’s **General Counsel Awards** in the Special Counsel category almost a year ago at the **Irvine Marriott**.

“There’s a large responsibility on the part of legal professionals to guide and mitigate the risks associated with not engaging re-

sponsibly with technology,” the Microsoft lawyer told the Business Journal.

“My team and I have had increasing engagement with transactions involving emerging technologies, particularly AI.”

Her team is dispersed across the Americas.

Mutura and her team spend a lot of time providing guidance around the legal intricacies of generative AI such as Microsoft’s **Azure OpenAI** and **Copilot** offerings. They also engage in conversations on Microsoft’s recently launched Copilot Copyright Commitment.

Following her time at a leading Canadian full-service firm, Mutura worked with both startups and large technology companies like **Oracle** before she went on to lead her own consulting practice.

“I moved back to Kenya for a while,” she said, where she was part of a team that built up the tech, media and entertainment practice at **Bowmans** international law firm in Nairobi in 2011 and 2012. She then went on to be the first member of the Microsoft legal



Njeri Mutura  
Assistant General Counsel  
Microsoft

team in East and Southern Africa.

Mutura eventually headed back over the Atlantic, settled in California, having passed

the state bar examination several years prior and continued her work at the intersection of law and technology. ■

# Franco Tenerelli: Taking Landsea to the Top

■ By KAITLIN AQUINO

**Landsea Homes Corp.** (Nasdaq: LSEA) has been advancing its plans to become among the nation’s top 10 homebuilders with the help of Chief Legal Officer **Franco Tenerelli**.

The Dallas-based homebuilder, formerly in Newport Beach, has set its sights on markets increasing in popularity due to their affordability.

“People are leaving some of the higher tax states, like New York, and venturing to where it’s a little more friendly on the pocketbook,” Tenerelli told the Business Journal.

Landsea is no stranger to the practice of moving to a less costly area. CEO **John Ho** in March attributed Texas’ lower cost of living for the company’s move from Newport Beach to Dallas.

While Ho relocated to Dallas along with a portion of Landsea’s corporate team, the company still counts about 100 employees in Orange County, including Tenerelli.

Tenerelli was honored last November at the Business Journal’s **General Counsel Awards** in the Public Company category. His work at

Landsea includes helping the company pass \$1 billion in revenue and go public in early 2021. Prior to Landsea’s Dallas move, the company was the most valuable publicly traded homebuilder based in OC.

At press time, shares in the company were \$8.36 a share, giving it a \$316 million market cap.

Landsea has been busy building out its Texas portfolio after settling in the Lone Star State.

The company in August acquired 84 finished lots at the master-planned **Lariat** community in Liberty Hill. The neighborhood will consist of 84 single-family homes, ranging from 1,500 to 2,200 square feet.

Landsea’s Lariat deal follows the company’s acquisition of 38 lots in **Avery Centre** in the Austin suburb of Round Rock, more than 20 miles southeast of Liberty Hill.

Avery Centre, another master-planned community, spans 1,200 acres. The neighborhood includes a Class A business complex, and has a parks and trail system planned for its second phase of development.

“Our focus has primarily been the smile



Franco Tenerelli  
Chief Legal Officer  
Landsea Homes

states,” Tenerelli said, referring to Sunbelt markets like Arizona, Florida, Louisiana and New Mexico, among others.

Landsea specifically “targets areas that have really good homebuilding fundamentals, which are a strong job market, good schools and good infrastructure,” Tenerelli

said.

Round Rock is one of those areas, “thanks to its highly regarded independent school district, great local tech job market, and abundance of public parkland,” Texas Division President **Vince Ruffino** said in a statement. ■



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# Jon Howell: Strengthening Strategic Partnerships

■ By YUIKA YOSHIDA

Irvine-based **Hyperice Inc.** is “seeing wins” in its fight against counterfeiters of its sports recovery and therapy products, according to General Counsel **Jon Howell**.

“We’re working every day to overcome these challenges,” Howell told the Business Journal.

Howell was honored at the Business Journal’s **General Counsel Awards** in the Private Company category last November.

Besides the general exclusion order Hyperice obtained from the **U.S. International Trade Commission** in 2021 for one of its utility patents, the company has lowered the price of its products so customers felt less compelled to buy knockoffs.

The **Hypervolt Go 2** massage gun initially launched last April for \$199, but now sells for

\$129.

Hyperice has also increased its retail network, expanding to **Walmart** and **Sam’s Club**.

The company’s innovative recovery technology is the main driver of its growth, according to Howell.

Last week, the firm announced its latest product, **Hyperice X Shoulder**, which applies both hot and cold therapy to treat shoulder pain.

This follows the launch of the **Heated Head Attachment** which combines percussive therapy with heat therapy.

Hyperice’s new massage gun accessory experienced great success with the initial product selling out and was recently restocked online last week.

“We’re always coming out with new products that are groundbreaking in our space, and



Jon Howell  
General Counsel  
Hyperice

I think that’s what people look to us for,” Howell said.

Hyperice continues to be endorsed by notable athletes thanks to partnerships Howell helped form with major league sports teams.

In the current **MLB** season, Hyperice has gained exposure from players such as **Blake**

**Snell**, pitcher for the **San Diego Padres**, who was seen using Hyperice’s **Venom Back** muscle relaxer.

“This is our favorite time of the year. In the playoffs, we get significant visibility in the dugouts and bullpens,” Howell said.

Since last year, Hyperice has also partnered with **Marriott Hotels** to have its products in every **Westin Hotel and Resort**. Terms of the deal were undisclosed.

Hyperice’s in-house legal team recently gained a new associate general counsel, which puts the growing team at three people, Howell said.

“I’m incredibly excited about what we’re doing right now, and I think we’ve got impactful things on the horizon,” Howell said. ■

# Linda Park: Working Behind the Scenes at Edwards

■ By PETER J. BRENNAN

**Linda Park** has one word to describe her past year at Irvine-based **Edwards Lifesciences Corp.**: busy.

“It’s been a busy year,” Park told the Business Journal. “We’re focused on serving our patients. It’s really fun. I’m really happy being here at Edwards.”

Park, who is associate general counsel and corporate secretary for the maker of heart valves, last year was honored with the Rising Star Award at the Business Journal’s **General Counsel Awards**. Park, who joined Edwards in 2017, is responsible for M&A contracts, potential acquisitions and strategy, among other areas.

Since she’s handling a lot of work behind the

scenes, she’s not allowed to discuss her activities in public.

She did note that she was involved in helping transition the change from **Mike Mussallem**, who in May stepped down as chief executive after 23 years in the position, to **Bernard Zovighian**.

One of the more intriguing forays that she can discuss is why she joined the board of directors at **BioLargo Inc.**, an over-the-counter stock with a \$50 million market cap (OTC: BLGO), far below the \$43 billion market cap of Edwards (NYSE: EW).

She considers BioLargo, a Westminster-based developer of sustainable cleantech technologies, as a “true startup.” At her prior jobs, Park used to take companies public on the stock



Linda Park  
Associate General Counsel, Corporate Secretary  
Edwards Lifesciences

market.

“I thought I could be a contributor,” Park said. “They have a dream of one day trading on the Nasdaq.”

Park serves on the board of directors for **Edwards Lifesciences Foundation**, which helps people in poor communities reduce heart valve disease.

Park is a part of the strategic business council for local nonprofit **USA Water Polo** where she has helped secure city permits in Irvine to build the 2028 Olympic Water Polo Facility at the Great Park. She’s helping team members get internships with local offices of giant banks like **Goldman Sachs** and **JPMorgan**.

Her two boys, ages 14 and 8, are her “pride and joy.” Her older son recently made a national team in his age group in water polo.

“He has had dreams of being an Olympian since the age of 6. I’ve never told him otherwise.” ■

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## Navigating the Legal Landscape: Insights from Local GCs

The position of GC conjures many different images, ranging from a trusted advisor, a voice of calm in the wake of a crisis, a compliance officer, or, more pragmatically, the one who watches your back. I interviewed a cross-section of local general counsel from privately held companies to publicly traded entities, across different industries, but all with a desire to share their experiences and wisdom to others. To promote candor, each participant had the option to allow me to identify them in this article or remain anonymous. Here are their insights.

**Sonya Attal, General Counsel at retail clothing company, Tillys (NYSE: TLYS), headquartered in Irvine.**

*How would you describe your role?*

I often feel like I am a legal translator and a cultural ambassador. In interfacing between the company and outside counsel, I translate outside counsel's advice and analysis into practical terms that fit our business and operations, to enable the business leaders and me to develop an appropriate strategy.

There is also a culture within the company, shaped by the leadership and each department within the organization. In discussing the company's legal risks, I have to know the personalities within each department and speak to their distinct priorities and sensitivities to be most effective in determining an appropriate course of action.

*What challenges did you encounter in moving to Tillys and how did you handle them?*

I was becoming acquainted with my colleagues, the business, and regulatory environment, when two months in, the Covid pandemic hit. Immediately, Tillys was faced with new and changing health and safety regulations at the city, county, state, and federal levels affecting over 240 retail stores across the country. I had to roll with the punches of each new challenge, and the organization looked to me for guidance. Maintaining a calm, level head and composure was the most important lesson that I learned early on, to effectively advise the executive team during times of uncertainty.

We operate in a regulatory environment that changes with the various political administrations. Some may have strong opinions over a particular regulation, but for my job, neutrality and objectivity are key to enable me to work with the business leaders to identify the best ways to address compliance and develop sustainable, workable practices. Through all of this, being my authentic self is critical to establish the trust and openness necessary to be not just an advisor, but a true member of the team.

**From an associate general counsel in the locally-based U.S. division of an international consumer and enterprise electronics company, who previously worked as a big firm litigator.**

*Are there any recurring challenges that you face?*

There is an initial learning curve to learn the business, technology, internal thought leaders, and decision-making leadership within respective business units. That learning is continual. Innovation never stops at our company; there is always a

new technology or new application of an existing technology – that is often evolving ahead of the law and with few any, court decisions or other guidance.

As a litigator in private practice, the client often presents you with factual circumstances that already transpired – the contract was signed, this event happened, etc. In-house, those "facts" are not set yet. I envision the possible outcomes for a subsequent regulatory or legal challenge for different possible business decisions. With that in mind, I use the opportunity to guide and assist business leaders in assessing those risks and making decisions.

*Are there any words of advice you would give to a person coming into a general counsel position?*

Coming from a firm, you have a practice area specialty. In-house, you might still maintain a specialty, but you have to issue spot and navigate broader areas from antitrust, to commercial law, to privacy. I am continually learning the breadth of these distinct practice areas with sufficient depth to enable an active engagement and participation for discussions with outside counsel. With that breadth and depth, I can ask outside counsel the right questions, probe their analysis or advice based upon the anticipated business courses of action, and then bring all of that into context and assess the risks with our business leaders.

**From the chief legal officer at an Orange County-based investment organization with portfolio investments in the healthcare industry.**

*What is your process in providing guidance to business leaders within the organization?*

I have the unique perspective of serving both as the chief legal officer and president. Most issues, perhaps 80% to more, involve common questions where, in sailing terms, I am in the crew's nest looking out for avoidable legal obstacles. I will provide a decision maker with multiple courses of action, analyzing both the legal risks and business risks of each, and with a recommendation. A decision maker should have full agency to make an informed decision without me forcing a decision with just an illusion of choice in those situations.

There are times, however, where I am at the helm steering the wheel because a legal aspect is central. In those circumstances, I will provide a strongly encouraged recommendation because there is only one clear option. Those situations are rare. I cannot elevate or overstate routine issues because I would be the boy who cried wolf; that would not serve the company well.

*What advice would you give someone starting in a general counsel role?*

Learn the business. As general counsel, you have access to the entire business because risk management is part of every aspect of the business – use that access. If it is a software company, meet the development team and really understand the technology. Legal compliance often concentrates on downside risk, but if you know the business, you can understand the upside risks too and better advise the organization.

Don't be afraid to fail. Of course, do not repeat the same mistakes. But, learn from challenges because those experiences will help you more than successes often do.

Lastly, in litigation, do not be afraid to settle. Waging war in litigation is generally costly and counterproductive to the company's mission. It is the rare instance where there is a "bet the company" dispute and the fundamental business or its existence is threatened – that is the time to fight. You need to appreciate the difference.



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## Recovering Lost Rental Profits When Real Estate Deals Fall Apart

Winds of change continue to blow in the commercial real estate market across the country and in Orange County specifically. Vacancies are projected to hit previously unseen levels by 2025, particularly in office high-rises. Remote work and online shopping are creating significant soft spots in office and retail markets across the country. Many experts are forecasting that the market will get worse before it gets better, with some predicting over a billion square feet of unused office space in the United States by the start of the next decade.

Optimistic investors have suggested a “great conversion” from office space to residential space can provide a solution during a time when city centers desperately need additional housing. Indeed, several states, including California, have enacted legislation attempting to spur new investments in residential real estate. However, there are several challenges to converting commercial space into residential space. Office buildings are typically built with lower ceilings and often have insufficient windows, electrical, and plumbing infrastructure to support an easy residential conversion. Zoning and environmental laws can serve as significant obstacles to converting a commercial property into residential space, particularly where additional parking would be needed to support the resulting residential units. Financing is also becoming increasingly infeasible or even impossible, with interest rates soaring and many banks exercising extreme caution on these deals.

All of these factors do not mean investors and developers will stop buying commercial properties between now and 2030. Deals will still happen, but they will happen inside of a pressure cooker. Margins will be razor thin and buyers and sellers alike will closely monitor industry trends during their contract periods to determine whether to pull the plug on pending deals. Some sellers are already preparing to offload properties at a loss while intensely monitoring market conditions during the contract periods and exploring every alternative to selling. These high-pressure conditions will spin off significant litigation that will decide the fate of several large properties.

Sellers will seek to hedge their risks of breaching by creating contractual offramps for themselves. These offramps can take various forms which often go beyond express contingencies and include sweeping damages limitations to protect against exposure to the buyer in the event of a protracted legal battle that postpones closing, during which time the value of the property may fluctuate significantly and the buyer may sacrifice years of lost rental profits. Sometimes sellers do this intentionally to torpedo the economics of the deal so that the buyer simply walks away from the property if market conditions shift and are no longer favorable for the seller to close.

For example, sellers will include language similar to the following in their purchase and sale agreements:

**Seller Breach.** In the event that Seller fails to perform any of Seller’s obligations, covenants, or agreements required under this Purchase and Sale Agreement, and that such breach prevents the closing of the transaction contemplated herein, Buyer’s sole and exclusive remedy shall be specific performance. Under no circumstances shall Buyer be entitled to recover damages of any kind. Buyer hereby expressly and irrevocably waives its right to recover punitive damages, direct damages, or indirect damages of any kind whatsoever.

Here’s the kicker: as airtight as the language above may seem, it doesn’t prevent an award of lost rental profits to the buyer. As explained in *Bravo v. Buelow* (1985) 168 Cal.App.3d 208, 213, most jurisdictions permit a buyer who prevails in an action for specific performance to recover lost rents and profits from the time the buyer was entitled to the conveyance as a credit against the purchase price. In *Bravo*, the court quoted the American Jurisprudence treatise and explained:

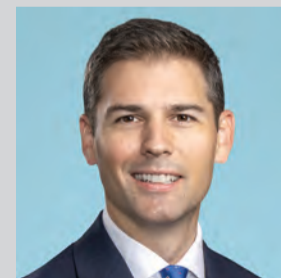
The general rule and underlying rationale for an award of compensation as an incident to a decree of specific performance are discussed in American Jurisprudence 2d. “Undoubtedly, where a purchaser of land is awarded the specific performance of his purchase contract, he is entitled to an allowance for what he has lost by reason of the vendor’s delay in conveying the property. In some cases, this allowance is referred to, loosely or otherwise, as ‘damages.’ According to most courts, this is not an accurate statement of the principle on which the court acts. The compensation awarded as incident to a decree for specific performance is not for breach of contract and is therefore not legal damages. The complainant affirms the contract as being still in force and asks that it be performed.”

*Bravo v. Buelow* (1985) 168 Cal.App.3d 208, 213 [quoting 71 Am. Jur. 2d Specific Performance §§ 217, 218, p. 278-282].)

California is one of the majority jurisdictions that does not treat such compensation as “damages.” (*Ellis v. Mihelis* (1963) 60 Cal.2d 206, 219 [“The compensation awarded as incident to a decree for specific performance is not for breach of contract and is therefore not legal damages.”]; see also *BD Inns v. Pooley* (1990) 218 Cal.App.3d 289, 298 [explaining that such compensation “neither constitutes damages as contemplated in an action for breach of contract, nor implies legal damages.”] [internal quotation omitted].)

This means that even when a purchase and sale agreement expressly forbids an award of damages to the buyer, a buyer suing for specific performance can recover lost rental profits under California law. Sellers considering an “efficient breach” as market conditions fluctuate should take notice.

Paul Fraidenburgh is a commercial litigation Partner at Pillsbury Winthrop Shaw Pittman LLP. He is a member of the American Law Institute and was recognized by Thomson Reuters as a 2023 “Stand-Out Lawyer of the Year.” In 2023, Paul served as lead trial counsel for a buyer prevailing in a specific performance arbitration concerning a large commercial property in Orange County, recovering \$1.4 million in lost rental profits for the buyer in addition to an order of specific performance.



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## Undo-ing Your Wellness Experience – How Jacuzzi Group is Transforming the Power of Doing Nothing

As anyone who has spent any time in a hot tub or a jetted bathtub likely knows, Jacuzzi Group is the company that invented in-home hydrotherapy. In the 1940's, Candido Jacuzzi invented a therapeutic hydrotherapy pump to give his toddler son Kenneth relief from rheumatoid arthritis. Soon after, Jacuzzi engineers developed a home version of the pump that turned any normal bathtub into a relaxing and rejuvenating hydro-therapeutic spa. In 1956, the Jacuzzi family began marketing the J-300™ pump and changed the lives of people around the world for the better.

While the demand for the J-300 pump was strong, the Jacuzzi® brand became a household name in the 1950s-60s due to the product's repeated appearances on the national daytime television show, *Queen for a Day*, which boasted 20 million viewers. The Jacuzzi® brand became a national sensation, with famous names such as Elvis, Marilyn Monroe, Jane Mansfield, and George Burns all owning Jacuzzi® brand products.

In 1970, Jacuzzi Group invented a larger tub product that would become the modern hot tub. By the 1980s, Jacuzzi Group had developed both indoor and outdoor products that worked as hot tubs, jetted baths, or both. These models incorporated soothing waterfalls and could be installed indoors or outdoors, turning the backyard into a place to relax and entertain family and friends. Jacuzzi Group was the first company to promote the concept that a backyard hot tub could be just as entertaining as a barbeque grill or pool.

Today, Jacuzzi® brand hot tubs and baths are sold in over 70 countries around the world, and the company is the recognized leader of in-home hydrotherapy and the premier global manufacturer of innovative hot tubs, swim spas, baths, showers, saunas, pool equipment, and other spa products for both the home and professional environments. Indeed, Jacuzzi Group is truly a global wellness company, with manufacturing and warehouse operations in the United States, Canada, Mexico, Italy, the United Kingdom, France, Brazil, Chile, and Australia.

In 2020, Jason Weintraub joined Jacuzzi Group as its Chief Legal Officer. But Jason is far from just the normal CLO having significant experience in intellectual property law. A primary motivating factor for Jason in taking on the CLO role was the opportunity to promote and protect the iconic Jacuzzi® trademark and brand and to directly counsel the company on its brand protection and enforcement plans. The Jacuzzi® brand is so well-known that it has nearly a 90% brand awareness throughout the world! This fame makes the Jacuzzi® trademark one of the company's most valuable assets. When Jason arrived at the Jacuzzi Group, the Jacuzzi® brand was so predominant in the industry that the company faced the "problem" of sometimes being the *only* name in the industry and having the Jacuzzi® brand name used mistakenly by consumers as the name of the products. Jason's initial task was not only to enhance the Jacuzzi® brand but also to protect it and enforce the company's intellectual property rights. To maximize brand value, Jason and his colleagues at Jacuzzi Group have spent the past three years protecting, enforcing, educating, and elevating the Jacuzzi® brand with its consumers and its competitors. One of the first things Jason did as CLO was to lead the company in transforming its trademark enforcement program and its patent portfolio. In addition to elevating the company's flagship trademark, Jason knew that the Jacuzzi Group would greatly benefit from also enhancing its product offerings and promoting the innovations the company continued to make. In the past three years, Jason led the company in working with Shannon Lam and her team at Knobbe Martens to obtain multiple patented and patent-pending technology, including its "smart tub" Internet of Things offerings and the incorporation of infrared light across multiple lines and categories of Jacuzzi® brand products.

For the protection of its trademark intellectual property, Jason engaged a leading third-party brand protection vendor, as well as top-notch in-house personnel and outside counsel Jeff Van Hoosear and his team at Knobbe Martens, to develop and implement an innovative program to detect, analyze, and enforce against improper and infringing uses of the Jacuzzi® trademark. Under Jason's careful watch, the company literally took actions all over the world and in all types of use - from search engines, websites, and domain names to traditional media like TV commercials, social media platforms and on-line influencers – even to Tik Tok videos!

Over the past three years, Jason has helped the company successfully enforce its Jacuzzi® trademark and brand over 85,000 times, including successful enforcement against three of its top competitors and multiple large hospitality organizations. Impressively, Jason helped the company achieve these significant results without filing a single lawsuit, and with 98% of its enforcements handled autonomously by its brand protection vendor. Using proprietary AI technology, the company's ability to efficiently identify infringements of its mark has increased over tenfold in the past two years.

The subsequent step in Jason's efforts to maximize the company's valuable trademark and brand value is an initiative that launched a global trademark education campaign, with content created both for industry peers and for the general public. This marketing and educational initiative will focus on a return to Jacuzzi Group's roots as the campaign highlights the company's invention of in-home hydrotherapy, reminding the world that there are Jacuzzi® products, and "everything else is just hot water."

Importantly, Jason and his legal team formed a partnership with Jacuzzi Group's Marketing department to expand the brand protection program into also serving as marketing and sales effort. Recognizing that over 85% of consumers begin the journey toward a hot tub purchase with an online search, Jason set a goal to "clean-up the first 5 pages of Google search results." Such action would allow potential consumers to immediately see references to legitimate or authorized Jacuzzi® brand products without having to sort through dozens of hits before finding a true Jacuzzi® brand product or seller. Using a combination of enforcements by its brand protection vendor to negotiate with repeat offenders, and actually partnering with Google on takedowns, the company greatly enhanced search engine marketing efforts. Today, searches for "Jacuzzi" in Google yield virtually all company content or proper references to the mark.

This partnership between Legal and Marketing sparked an even larger effort to elevate the Jacuzzi® brand worldwide. Jacuzzi Group's Legal and Marketing teams developed and launched a new, refreshed JACUZZI logo, and began a marketing position built around the concept (and trademark!) of "UNDO," or "the transformative power of doing nothing." Again, returning to the company's roots in wellness, Jacuzzi Group is refreshing the Jacuzzi® brand as a leading global wellness brand. In an environment where the COVID pandemic shined a spotlight on an already-growing wellness trend, Jacuzzi Group stands perfectly positioned to grow along with it.

**Jeffrey L. Van Hoosear** is a partner in the Orange County office of Knobbe Martens, where he is Co-Chair of the Trademark Practice Group. His practice focuses on trademark selection and clearance, brand licensing, domain names, website and social media copyright, rights of publicity, and proceedings before the Trademark Trial and Appeal Board. He can be reached at (949) 760 0404 or [jeff.vanhoosear@knobbe.com](mailto:jeff.vanhoosear@knobbe.com).



**Jason Weintraub** is Chief Legal Officer & General Counsel of Jacuzzi Group, a global, private equity-owned consumer products manufacturer with products sold in over 70 countries. Mr. Weintraub manages Jacuzzi Group's legal, compliance, risk management and real estate functions. His responsibilities include protecting the company's iconic, globally famous Jacuzzi® trademark and other intellectual property. Mr. Weintraub also leads Jacuzzi Group's EHS compliance program as well as the company's ESG efforts.



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## Being Smart About Artificial Intelligence

Artificial intelligence is everywhere. It's how Netflix knows what you like and decides which shows to produce, how Alexa anticipates what you want, and how ChatGPT writes a winning term paper. AI has infiltrated the legal profession too, of course, with more and more firms adopting tools built on AI to enhance legal research and even to draft documents.

While AI brings exciting possibilities, companies that jump on the AI bandwagon before understanding how a particular product works risk placing themselves in legal crosshairs. Lawyers themselves have faced disciplinary action for presenting fake cases created by ChatGPT to a federal court, claiming they thought ChatGPT was pulling real authorities.

Regulators have taken notice of AI's risks across all sectors of the economy. The DOJ, CFPB, SEC, EEOC, and FTC issued a joint statement in April 2023 explaining that existing regulatory schemes apply to the use of automated systems including AI and warning businesses about the potential pitfalls of leveraging AI.

Companies thinking of incorporating AI into their business confront a host of questions – including legal ones.

### ***Do you have permission to use the source material?***

AI models work by analyzing vast amounts of data to find patterns, then applying those patterns to new data. Enormous pools of material make AI effective, but there are traps for the unwary:

- What if the information contains private communications? Have the customers consented to recording and retention of their conversations?
- What if the information contains regulated personal data (e.g., medical records, personal financial material)? Is use consistent with the relevant regulatory regime? Is the information appropriately safeguarded?
- What if the information contains proprietary data? Is use permitted under the relevant licensing agreements?
- What if the information contains copyrighted works? Do you have a license to use them? In July 2023, comedian Sarah Silverman and two other Plaintiffs filed a class action against OpenAI, arguing that use of their copyrighted works to train AI models is infringement. In September 2023, the Authors Guild and 17 individual authors, including John Grisham, George R.R. Martin, and Jodi Picoult filed a similar class action in the Southern District of New York.

### ***Thinking of using AI in hiring?***

AI may transform the hiring process, such as by screening resumes and by personalizing interviews. However, as the EEOC has flagged, AI may have difficulty detecting disabilities in prospective employees. Employers relying on AI during hiring could be unintentionally screening out candidates because of a disability—a violation of the American with Disabilities Act.

### ***Thinking of using AI in customer service?***

Chatbots provide round-the-clock customer service at the speed of a click. But they can also be unreliable, and that means your company may be giving consumers inaccurate information or advice. This could result not only in reputational harm, but regulatory risk as well—the CFPB has noted that chatbots carry the potential of noncompliance with federal consumer financial laws.

### ***Thinking of using AI to help make pricing decisions?***

AI may be able to take into account inventory, supply chain, costs of raw materials, and other variables. But what if your competitors use a similar algorithm and make similar pricing decisions? FTC Chair Lina Khan has

asserted that businesses employing AI “can facilitate collusive behavior that unfairly inflates prices” and that the FTC is “well equipped” to handle these issues under its enforcement authority.

### ***Thinking of using AI to automate lending decisions?***

AI could streamline the assessment of a customer's creditworthiness, but AI models are not immune from the potential for bias. Earlier this year, the DOJ and HUD explained that the Fair Housing Act applies to algorithm-based systems, noting that companies that use AI are not absolved from liability stemming from discrimination perpetuated by those models. The DOJ declared that these algorithms are “susceptible to all of the biases, implicit or explicit, of the people that create them.” Businesses implementing AI to make lending decisions must still monitor credit decisions for potential fair-lending issues. Businesses relying on AI for this purpose also need to understand how the AI model functions under-the-hood. Regulators have explained that ignorance about an AI model's decision-making process will not excuse the entity employing it from liability for regulatory violations.

\* \* \*

In the coming years, AI will impact virtually every aspect of business and the law. Opting out will not be an option. Incorporating AI in a sensible and responsible way that is good for your business, clients, and customers, means thoughtfully addressing and anticipating the many legal and regulatory risks, with experienced counsel to guide you.

**Elizabeth Lemond McKeen** serves as the firmwide Co-Chair of O'Melveny's Financial Services Practice Group. Liz represents major banks and other financial institutions in their highest-stakes litigation relating to regulatory compliance, fraud, and consumer protection. She handles complex civil litigation, including regulatory enforcement actions, class actions, MDL proceedings, False Claims Act/*qui tam* matters, and appeals. In addition to litigation, Liz provides strategic regulatory and compliance counseling, with deep expertise in the areas of fair lending, credit reporting, debt collection, consumer bankruptcy, and mortgage origination and servicing. She routinely represents clients in threatened enforcement matters involving the CFPB, FTC, DOJ, state Attorneys General, and other regulators. She can be reached at [emckeen@omm.com](mailto:emckeen@omm.com) or (949) 823-7150.



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# Navigating Remote Work Challenges: Top Five Issues for California Employers

By Alessandra C. Whipple, Esq. and Todd R. Wulffson, Esq.

During and since the pandemic, the traditional office commute rapidly evolved from the familiar dystopia of So. California freeways, to the more comfortable morning sweatpants shuffle down the hall to a desk or couch. As remote work appears to be lingering, and for some, may be here to stay, employers – especially in California (infamous for its complex and ever-changing labor and employment laws), face unique challenges and concerns. In this article, we will explore the top five issues facing California employers regarding remote work and offer strategies for compliance.

## 1. Wage and Hour Compliance

One of the foremost concerns for California employers with all employees, but especially with remote workers, is ensuring compliance with wage and hour laws. California has a complex web of regulations governing overtime, meal and rest breaks, and record-keeping. If an employee performs services in California (remote workers in other states cannot take advantage of California law), employers must track the hours worked by remote employees accurately, regardless of their location, and pay them in accordance with California's labor laws.



Whipple

### Compliance Strategies

- Implement time-tracking software to monitor remote employees' work hours.
- Train managers and employees on timekeeping best practices and the importance of accurate record-keeping.
- Develop clear remote work policies (preferably that remote workers sign), that outline expectations regarding work hours and reporting time worked.
  - These policies should clearly state that all off-the-clock work is strictly prohibited.
  - Have employees confirm in writing that they have accurately reported all of their time worked.
  - Prohibit texting, e-mailing, and phone calls when employees are not clocked-in and educate and restrict managers from contacting hourly employees after hours.
- Develop and enforce meal and rest break policies.
  - Consider developing a break schedule that is circulated to managers and remote workers, which will mitigate potential unintended meal interruptions.
  - Meal and rest break policies should clearly state that employees are prohibited from performing work while on break.
  - Employees should inform remote employees to report missed meal or rest breaks, and to have employees regularly certify (quarterly or monthly) that they have been provided the opportunity to take their meal and rest breaks.

These strategies will go a long way toward mitigating expensive, distracting, and infuriating lawsuits - particularly class and PAGA actions.

## 2. Expense Reimbursement

California Labor Code Section 2802 requires employers to reimburse employees for "all necessary business expenditures or losses incurred by the employee in direct consequence of the discharge of his or her duties." For remote workers, this may include internet usage, home electricity, computer equipment, and cell phone usage. Employers should provide employees with the necessary supplies and equipment needed to perform their job remotely, and either (1) make employees aware of the procedure for expensing incidental expenses, or (2) provide a monthly stipend for incidental expenses like cell phone, electricity and internet at home (\$25 is a good amount). Make sure you do not have any antiquated policies that say home expenses are not reimbursable. If an employee chooses to work from home, they may not have the same rights to reimbursement as an employee whose home is their assigned workspace.

### Compliance Strategies

- Establish a comprehensive expense reimbursement policy that outlines eligible expenses and the reimbursement process.

- Maintain clear communication with remote employees about the reimbursement policy and procedures.
- Keep detailed records of reimbursed expenses and any accommodation related correspondence.

## 3. Data Security and Privacy

Remote work can pose significant challenges regarding data security and privacy. California has strong data protection laws, such as the California Consumer Privacy Act (CCPA) and the California Privacy Rights Act (CPRA). Employers must safeguard sensitive information and comply with these regulations, which apply regardless of where the employee works.

### Compliance Strategies

- Ensure that remote employees have access to secure technology and resources to protect company data.
- Implement strict data security policies, including encryption, secure file sharing, and regular cybersecurity training.
- Implement policies regarding the destruction and return of company data and property following separation of employment.
- Seek legal counsel to navigate California's complex and evolving data privacy landscape.

## 4. Workers' Compensation and Workplace Safety

Ensuring the safety and well-being of remote workers is a significant concern for California employers. While traditional workplace safety regulations primarily apply to physical office spaces, employers are still responsible for providing a safe work environment for remote employees.

### Compliance Strategies

- Advise workers' compensation insurance carriers that the company has remote employees to ensure coverage is not jeopardized when an injury occurs to a remote worker.
- Develop a remote work safety policy that outlines best practices for maintaining a safe remote work environment.
- Understand the nuances of workers' compensation laws as they relate to remote work and ensure appropriate coverage.

## 5. Performance Management and Evaluation

Evaluating and managing the performance of remote employees can be more challenging than for in-office employees. Employers must find effective ways to assess productivity, provide feedback, and conduct performance evaluations, all while adhering to California labor laws.

### Compliance Strategies

- Set clear performance expectations and key performance indicators (KPIs) for remote employees.
- Implement regular performance reviews and feedback sessions, even if they are conducted virtually.
- Use performance management software and tools to track and measure remote employees' contributions and achievements.

## Conclusion

By addressing these five issues and implementing the associated compliance strategies, California employers can successfully manage their remote workforce, mitigate legal risks, and create a legally-compliant remote work environment that benefits both the employer and the remote workers. Continually adapting and refining remote work policies and practices is the key to staying in compliance with California's labor and employment laws and to meeting the evolving needs of the workforce.

For questions regarding complying with California employment-related remote work laws, please contact either author - Alessandra Whipple at [awhipple@cdflaborlaw.com](mailto:awhipple@cdflaborlaw.com) or Todd Wulffson at [twulffson@cdflaborlaw.com](mailto:twulffson@cdflaborlaw.com).



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## Artificial Intelligence – From Risk to Reward: Key Questions to Address When Crafting Generative AI Usage Policies

Generative artificial intelligence (AI) has infiltrated nearly every aspect of corporate America, and many organizations' legal, compliance, and human resources departments are struggling to keep pace with its proliferation. Forward-thinking companies are implementing policies governing the use of these tools, but an off-the-shelf policy not tailored to your unique circumstances could do more harm than good. As an early law firm adopter of generative AI, Troutman Pepper faced these same challenges when crafting its first generative AI policy, and we quickly realized that our clients could benefit from reviewing some of the questions we asked ourselves during that process.

### Policy Scope

- Should your organization adopt a policy specific to generative AI, or should it cover all forms of AI? While generative AI is the new kid on the block, AI has been around for decades, and many of the same components of a generative AI policy would apply equally to traditional AI tools.
- Should your company distribute an entirely new policy, or can existing policies be amended to adequately address generative AI? As with most of these questions, the best approach for your company depends in part on the nature of your current policies. Some organizations have enacted ethical AI charters alongside or as a precursor to a formal policy.
- What other corporate policies and procedures warrant potential amendment due to generative AI use? In addition to the acceptable use policies already mentioned, policies regarding data privacy, information security, bring-your-own-device (BYOD) programs, work-from-home programs, and records retention may also be overdue for a refresh. The same may apply to employee manuals and handbooks.

### Current AI Use

- To what extent does your organization already use AI, and for what purposes? Many of your employees are likely using generative AI today, perhaps without the company's knowledge and authorization.
- What uses of generative AI does your organization want to encourage, accept, discourage, or prohibit to align with its culture and business objectives? You may deem some uses benign and others verboten based on your company culture and risk tolerance, even if no specific law, regulation, or contractual term prohibits them.
- Does your organization offer any products or services that leverage generative AI? If so, your policy will need to be drafted with those preexisting products and services in mind, and your license agreements and customer-facing "terms of use" may need to be updated accordingly.
- Are safeguards needed to prevent operational dependencies on generative AI that could impact business continuity if the technology becomes unavailable or too costly? The velocity of change in this space is such that what is hot today may be gone tomorrow, and businesses should anticipate and plan for that possibility.

### Governing Legal Environment

- Do any of your vendors/partners use generative AI to perform functions relating to your business and, if so, should your contracts be amended to address such use? If you don't know whether your counterparties use generative AI to deliver core services, you should ask. We encourage you to check whether you have unwittingly agreed to terms specifying authorized and unauthorized uses of AI. If so, make sure you have systems in place to track those obligations and ensure compliance.
- How can your organization use generative AI while simultaneously protecting its own intellectual property and guarding against inadvertent infringement of others' intellectual property?
- What are the implications of generative AI use on your organization's privacy and cybersecurity programs, particularly as it relates to sensitive data collection, use, and sharing?
- Are you following all current laws and government agency guidance regarding your use of AI tools, and is your organization subject to industry/regulatory oversight, jurisdiction-specific disclosure requirements, or other limitations on whether/how generative AI tools can be used? From a recent New York City ordinance governing the use of AI in recruiting and hiring to EEOC guidance on employers' use of AI tools in ways that may run afoul of the Americans with Disabilities Act, employers must be mindful of the latest regulations. We recommend conferring with counsel on these questions

given their complexity and the pace of change we are seeing in the regulatory environment.

- How will consumer and employee concerns/complaints regarding generative AI use be handled? How much transparency is required? Will employees and consumers have any opt-out or notice and consent rights with respect to certain uses of generative AI? As usual, the law has not yet caught up with the technology, so companies may want to consider what voluntary safeguards and protections to extend to those individuals who could be most directly impacted by AI use.
- Are you prepared to preserve and collect all records of generative AI use in the event of litigation or an investigation implicating the use of AI? Maintaining, exporting, reviewing, and producing a full audit trail of generative AI prompts and outputs may not be possible, nor do most generative AI tools expose the internal algorithms and underlying training data that informed those outputs.
- Do you have adequate insurance coverage in the event of generative AI-related litigation? It may be prudent to check your policy/endorsement language and consult with your insurance broker to avoid future surprises.

### Practical Issues with Implementation and Enforcement

- Which stakeholders within your organization should have a voice in the development, implementation, and enforcement of a generative AI policy? Ideally, at least one person in each department or business unit should be designated to represent their interests.
- Does your organization have the resources to build or license enterprise/private generative AI tools to better safeguard your confidential information and intellectual property? As the saying goes, if you are not paying for the product, you *are* the product. Rather than using free generative AI tools like ChatGPT, some companies are mandating that employees only use enterprise generative AI services that are subject to more client-friendly terms and/or are developing their own solutions using Microsoft Azure's OpenAI Service and similar APIs.
- Are your organization's legal, compliance, and HR departments equipped to roll out, enforce, and audit a generative AI policy? How will you know if the policy has been violated, and will policy violators face consequences? A policy that is not consistently followed is arguably worse than no policy at all, and regulators undoubtedly will be looking at how companies approach enforcement of these policies, deter would-be violators, and punish those who intentionally circumvent generative AI guardrails.
- What level of human oversight/validation of generative AI output is required? As with most things, it depends on myriad factors, but organizations cannot blindly assume that generative AI output is accurate and free of bias.
- What forms of training does your organization require to educate employees, contractors, and others (including third parties) on the risks and benefits of generative AI as well as the skills essential to extracting maximum value from the technology? Whether you build or buy such training, someone well-versed in generative AI should be involved in preparing and delivering tailored training to different constituencies at your company.
- How will the policy be revised over time to ensure it keeps pace with the rapidly changing technical and legal landscape? Part of enacting a successful policy is contemplating and scheduling periodic review and amendment procedures.

**Jason Lichter** is a Principal with Troutman Pepper eMerge, the firm's dedicated eDiscovery and data analysis subsidiary. A software engineer turned litigator, Jason brings a singular combination of real-world legal experience and hands-on technical expertise to each eDiscovery and information governance engagement. As a member of Troutman's Innovation Committee and a leader of the firm's Generative AI Task Force, Jason has helped to steer the firm's internal and client-facing strategy around responsible use of AI.





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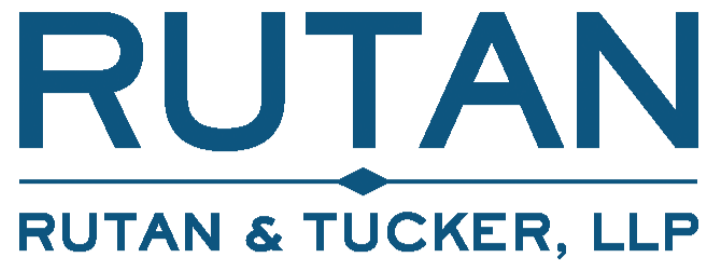


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## Embracing Artificial Intelligence and Legal Technology: Creating a Legal Department of the Future

In today's ever-changing corporate world, the roles of General Counsel and in-house legal departments are evolving before our eyes. Accelerated by recent global events, we've witnessed a radical shift towards remote work and digital collaboration that has redefined the way we operate. At the same time, the rise of Artificial Intelligence (AI) and legal technology has opened doors to corporate and legal efficiencies and strategic opportunities.

As corporate executives and leaders in Orange County, you are no doubt keenly aware of the evolving legal landscape. The secret to thriving in this dynamic environment? It's all about crafting a Legal Department of the Future. This transformation involves embracing modern legal practices by harnessing a mix of AI and legal tech. In this article, we're diving into the latest trends, innovations, and strategies to help you lead your organization toward a brighter future.

### First, the WHY

Let's start with WHY. Creating a Legal Department of the Future is an adventure where innovation meets opportunity. Why embark on this journey, you ask? Well, here are a few examples of the benefits of embracing the change:

- **Efficiency Gains:** AI and legal tech can be your productivity hacks. They're here to make life easier and more efficient. Instead of your team spending hours slogging through repetitive tasks, AI can swoop in and do the heavy lifting. For example, it can swiftly review contracts, spot crucial details, and even help prepare initial drafts of documents. By letting the tech handle some grunt work, you're freeing up your team's time and energy to focus on the high-value, brainy stuff—the tasks that really make a difference, like crafting winning legal strategies or sealing game-changing deals.

- **Risk Mitigation:** Predictive analytics and AI-driven tools can help identify and address risks proactively. By spotting risks before they become full-blown problems, you're minimizing your company's legal exposure.

- **Cost Savings:** Let's be honest; legal departments sometimes get tagged as the "cost-center" of the organization. AI and automation are not just handy tools, they can also reduce legal department costs, making your organization's overall operations more cost-effective.

- **Enhanced Collaboration:** Remote work and digital collaboration tools like Slack, Microsoft Teams, and Zoom can foster stronger connections between legal teams, other departments, and external partners. Even if you're miles apart, these tools can improve communication efficiency and make projects run smoother than ever.

- **Strategic Influence:** In your forward-looking legal department, you're not just a lawyer; you're a strategic partner. AI and legal tech can put your department in a position to be a part of the conversation, influence decisions and strategy, and contribute to the success of the company.

### Now, the WHAT:

Now that you're convinced, or at least entertained enough to keep reading, let's dig into the WHAT. AI and legal technology have emerged as game-changers in the legal field. Incorporating innovations, such as the following, can significantly enhance your legal department's efficiency and effectiveness:

- **AI-Powered Legal Research:** AI-driven research tools can sift through vast legal databases, providing rapid and precise insights. This allows your team to stay up-to-date with legal developments and make well-informed decisions.

- **Contract Management:** You may already be familiar with automated contract management systems. But as of late, AI-driven contract management systems are taking automated contract review, tracking, and management to the next level. These systems increase consistency within your company contracts, streamline processes, reduce errors, and enhance contract compliance.

- **Predictive Analytics:** Depending on your industry, your company may already be using predictive analytics, such as analyzing market trends and client data to pinpoint potential areas for innovation and strategic partnerships, allowing your company to stay ahead of the competition and capitalize on emerging opportunities. There is no reason your legal department shouldn't also be using this valuable tool. Predictive analytics empowers your legal department to anticipate legal challenges, allocate resources more effectively, and make informed, data-driven decisions. For example, if your company is handling high-stakes contract negotiations, predictive

analytics can direct your strategy by sorting through past contract data, comparing the details of past negotiations, and providing insights into the likelihood of favorable outcomes. In the litigation context, an analysis of historical case data, factoring in variables specific to your matter, can help you determine the probability of success in court, so you can make an informed decision as to whether to settle or proceed to trial. AI analytics tools can also help you stay ahead of potential regulatory violations by alerting you to potential risks. These are only a few of many examples as to how predictive analytics can enhance your capabilities.

- **Document Review and Due Diligence:** In mergers and acquisitions and other complex transactions, AI can expedite due diligence by rapidly reviewing documents for pertinent information. This not only saves time but also reduces costs.

### Finally, the HOW:

Creating a Legal Department of the Future will involve delving into uncharted territories. HOW? Your outside counsel and vendors can help steer you through the process. And for good measure, I include a few suggested practices below to get you started.

- **Technology Committee:** Establish a Technology Committee within your department. Team members should become pros in optimizing processes, reducing costs, and enhancing service delivery, allowing your legal team to focus on strategic initiatives. For example, they might implement the contract management software I mentioned above to automate document review, speed up contract negotiations, and make everyone's lives easier.

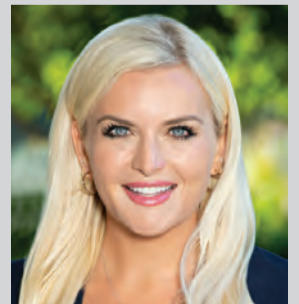
- **Be Agile:** Embrace an agile culture that is excited about innovation. Emphasize flexibility, collaboration, and rapid response to changing circumstances. An agile legal team will be able to quickly adapt to, and even leverage, new challenges and opportunities.

- **Continuous Learning:** Encourage your legal team to engage in lifelong learning. In the same way your team is keeping up-to-date with the law, they should keep pace with legal tech developments, emerging regulations, and industry trends. For instance, they might enroll in courses on AI and data analytics.

- **Ethical and Privacy Considerations:** As you embrace innovation and AI, ethical and privacy concerns are paramount. Ensure that AI systems adhere to ethical and legal standards, especially in areas like bias, data collection and data privacy. And keep in mind that as AI continues to evolve, so should your ethical standards and policies. You will want to audit and review AI and legal technology systems regularly to ensure they are operating ethically and abiding by company guidelines.

In Orange County, we are no strangers to innovation, and our legal departments should be no exception. As corporate leaders, you have the unique opportunity to drive innovation and shape the future of your legal department. By leveraging AI and legal tech and adopting modern legal practices, you can create a Legal Department of the Future that is agile, efficient, and well-equipped to navigate dynamic, shifting legal environment. The path to the Legal Department of the Future may present challenges, but the potential for growth and success is limitless.

Kelly is a corporate and mergers and acquisitions partner at Rutan & Tucker, LLP. She's the go-to attorney for both acquirers and target companies, specializing in everything from stock and asset acquisitions to mergers among privately held firms, joint ventures, and private equity investments. Beyond that, Kelly assumes the role of outside general counsel, providing invaluable guidance to private companies on their day-to-day transactional and governance matters. Her practice spans diverse industries, from private equity and fashion to finance, food, health and wellness, logistics, manufacturing, and construction. Kelly can be reached at [kgalligan@rutan.com](mailto:kgalligan@rutan.com) or (714) 338-1813.



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# JacksonLewis

## It's PSL Season Not Pumpkin Spice Latte but Paid Sick Leave

By Janette J. Sahouria on August 31, 2023

As school resumes and temperatures fall, employees may be calling out sick. Here is a refresher on the basics of California's paid sick leave law known as the Healthy Workplace Healthy Families Act, Labor Code 245 *et seq.*

### Covered Employers

The state's paid sick leave requirement applies to all employers and includes public employees.

### Covered Employees

Employees who have worked at least 30 days within a year in California qualify to accrue paid sick leave. Accrual of paid sick leave starts on the first day of employment. Employers, however, may require an employee to complete a 90-day employment period before using paid sick leave.

### Reasons for Leave

Covered employees may take paid sick leave for the following reasons:

1. For diagnosis, care, or treatment of an existing health condition of, or preventive care for, an employee or an employee's family member (meaning a child, which includes biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in *loco parentis*, all regardless of age or dependency status); spouse; registered domestic partner; parent (including biological, adoptive, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in *loco parentis* when the employee was a minor child); grandparent; grandchild; sibling; or designated person; or
- For an employee who is a victim of domestic violence, sexual assault, or stalking to:
  - (a) obtain or attempt to obtain a temporary restraining order, restraining order, or other injunctive relief; (b) help ensure the health, safety, or welfare of the victim or the victim's child; (c) seek medical attention for injuries caused by domestic violence, sexual assault, or stalking; (d) obtain services from a domestic violence shelter, program, or rape crisis center as a result of domestic violence, sexual assault, or stalking; (e) obtain psychological counseling related to an experience of domestic violence, sexual assault, or stalking; or (f) participate in safety planning and take other actions to increase safety from future domestic violence, sexual assault, or stalking, including temporary or permanent relocation.

### Amount of Leave

Under the state law, employers may provide either all paid sick leave at once also referred to as the front-loaded method, or by accrual methods. Depending on the method, the amount must be provided as follows:

- Front Loaded Method: 24 hours or 3 days at the time of hire and the beginning of each year.
- Accrual Methods: 1 hour for every 30 hours worked or accrual on a regular basis providing not less than 24 hours or 3 days by the 120th calendar day of employment or each calendar year, or in each 12-month period.

Exempt employees are deemed to work 40 hours per workweek unless the employee's normal workweek is less than 40 hours.

### Local Paid Sick Leave Ordinances

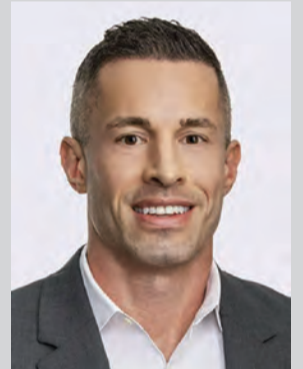
Several cities have local paid sick leave ordinances with additional requirements beyond the state mandate. Employers should check if cities where they operate have paid sick leave requirements.

If you have questions about paid sick leave requirements or related issues, contact a Jackson Lewis attorney to discuss.

### Christian J. Keeney

Principal  
Orange County

Christian J. Keeney is a principal in the Orange County, California, office of Jackson Lewis P.C. Christian focuses his dedication and commitment to defending employers in all types of employment law matters. His knowledge and experience extends to class actions, discrimination and harassment, and wrongful termination cases, as well as handling investigations and charges from government agencies. He can be reached at [Christian.Keeney@jacksonlewis.com](mailto:Christian.Keeney@jacksonlewis.com).



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### Patricia Ann Matias

Principal  
Orange County

Patricia Ann Matias is a principal in the Orange County, California, office of Jackson Lewis P.C. Patty's broad base of experience gained through practicing employment law for over 15 years makes her a powerful advocate for her clients. She successfully defends employers in high-stakes, single-plaintiff litigation, including discrimination, harassment, retaliation, and wrongful termination matters, as well as in complex Private Attorneys General Act and class action matters. She can be reached at [Patricia.Matias@jacksonlewis.com](mailto:Patricia.Matias@jacksonlewis.com).





## Don't Just Hide Your Best Mode and Call It a Trade Secret

Claims of trade secret misappropriation have become increasingly prevalent in prominent intellectual property disputes, which had previously focused on patent infringement. The rise of trade secret misappropriation claims may entice a patent owner to diversify its intellectual property portfolio by maintaining certain aspects of its patentable inventions as trade secrets. One seemingly expedient strategy is to apply for a patent for an invention while maintaining the "best mode" for practicing the invention as a trade secret.

Although U.S. patent law requires the applicant to "set forth the best mode contemplated by the inventor" in the patent specification, the American Invents Act (AIA) eliminated the twin threats of patent invalidity and unenforceability for the failure to disclose the best mode. Both legal scholars and law firms have suggested this strategy since the AIA was enacted more a decade ago. However, this strategy is not without pitfalls.

In many inventions, the best mode is often the preferred range of a claimed parameter. Many patent specifications disclose one or more claimed parameters in progressively narrower (and more preferred) ranges, teaching the claimed parameter "in the range of" X to Y, "more preferably in the range of" X1 to Y1, and "even more preferably in the range of" X2 to Y2, the last of which represents the best mode. The seemingly expedient strategy (1) omits the most preferred range of X2 to Y2 from the patent specification, (2) preserves and maintains this range instead as a trade secret, and (3) applies for a patent claim reciting the claimed parameter in the range of X1 to Y1 to cover the invention.

But this strategy backfires if prior art teaching the claimed parameter within the range of X1 to Y1 but outside the range of X2 to Y2 is discovered later during the prosecution of the patent application or during an inter partes review to challenge the resulting patent. Having disclosed only the broader range of X1 to Y1 in the

specification, there is insufficient written description support for the narrower range of X2 to Y2. The applicant is therefore precluded from amending the patent claim to narrow the claimed parameter to the "best mode" range, and as a result, the patent claim is found unpatentable in view of the prior art.

Thus, a patent owner seeking to diversify its intellectual property portfolio to incorporate trade secret protection for an aspect of a patentable invention should resist the temptation to simply omit the most preferred range of a claimed parameter and maintain it as trade secret. A better course of action is to work closely with outside counsel versed in both subjects to carefully delineate between the respective scopes of the patent and the trade secret.

Raymond Chan is a Partner in Procopio's Orange County office. He is an experienced patent litigator who has handled diverse matters involving automotive lighting, biotechnology, polymer chemistry, and telecommunications. He has a bachelor's degree in biochemistry and is also admitted to practice before the U.S. Patent & Trademark Office. Raymond has taken the lead role on the technical aspects of patent cases involving flame retardant artificial hair fibers, coenzyme Q10 (ubiquinol), and polyimide film on behalf of a global chemical products conglomerate. Raymond works closely with the technical experts in patent cases and is adept at conveying their analyses and opinions.



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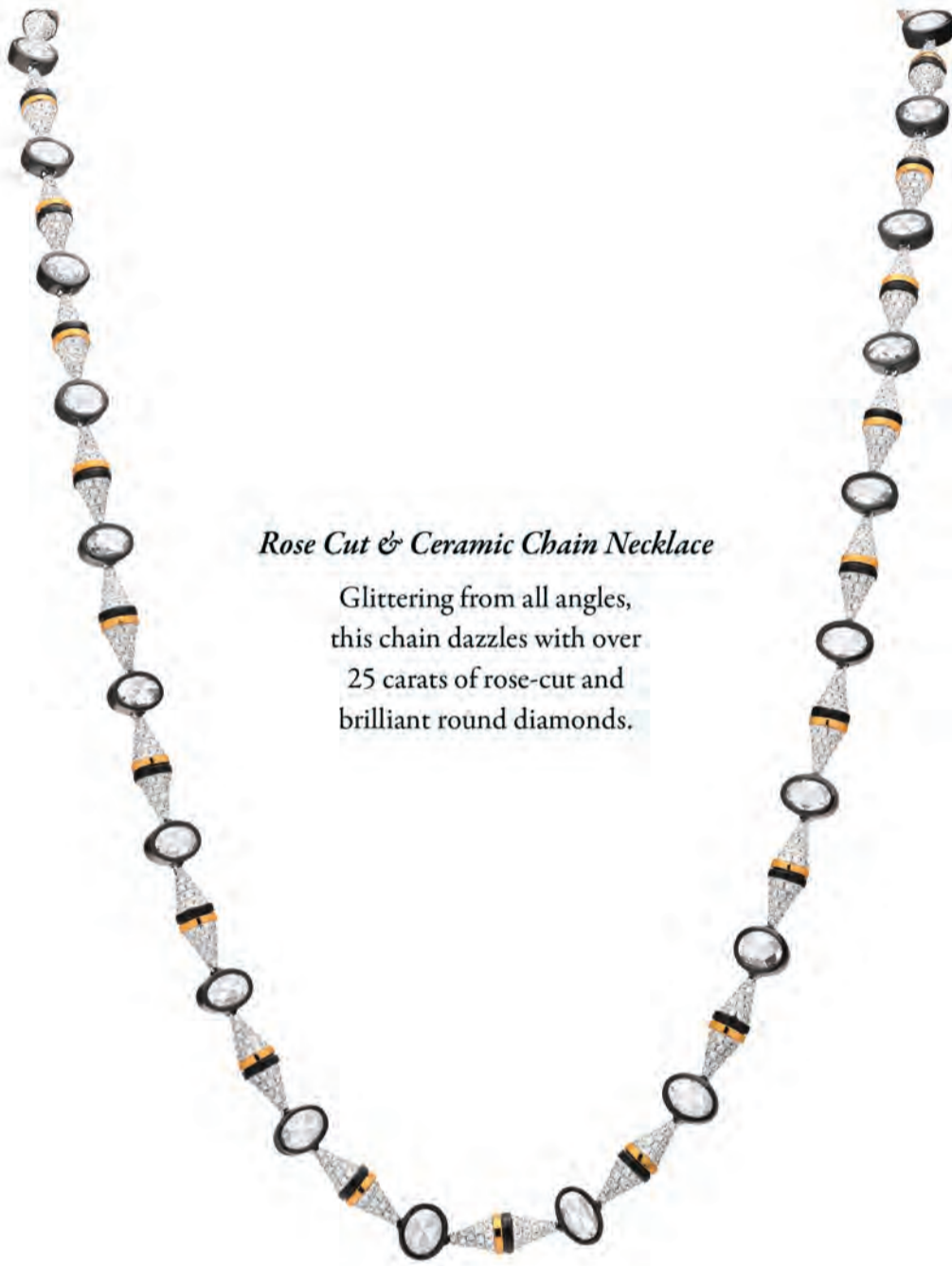
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## Off Duty Marijuana Use and an Employer's Right to a Drug Free Workplace

By Vince M. Verde, Esq. and Tara Mohseni, Esq.

On January 1, 2024, AB 2188, codified in Government Code Section 12954, becomes law. The new statute makes it unlawful for an employer to discriminate against a person in "hiring, termination, or any term or condition of employment. . . if the discrimination . . ."

1. is based the "person's use of cannabis off the job and away from the workplace. . .
2. An employer-required drug screening test that has found the person to have **nonpsychoactive** cannabis metabolites in their hair, blood, urine, or other bodily fluids.

AB 2188 was a response to the tension between the lawful recreational use of marijuana in California, and an employer's once-lawful use of drug screening tests which rely upon the detection of nonpsychoactive cannabis metabolites to discipline employees. Tests which detect nonpsychoactive cannabis metabolites do not accurately determine whether an employee is under the influence of marijuana or used marijuana at work; but rather detect an employee's use of marijuana days or even weeks earlier. An employee can lawfully smoke marijuana recreationally while off duty on Sunday, but test positive for the presence nonpsychoactive cannabis metabolites at work on Monday. Under such circumstances, AB 2188 prohibits an employer from disciplining an employee, deems such actions as discriminatory, and further grants a prevailing plaintiff attorney's fees and costs.

AB 2188, however, does not necessarily create a shield for employees who get high just before starting a shift. The legislature included what might be interpreted as a caveat within the law by stating that nothing in the statute "affects the rights or obligations of an employer to maintain a drug- and alcohol-free workplace, as specified in Section 11362.45 of the Health and Safety Code, or any other rights or obligations of an employer specified by federal law or regulation."

In contemplating the specific language and passage of the statute, the Assembly Committee on Judiciary addressed the "drug-free workplace" caveat directly. Under the heading, "[t]he bill does not inhibit employer's ability to maintain a safe workplace", the committee considered the Chamber of Commerce's (opponents of the bill) hypothetical: an employee uses marijuana four hours before the start of their shift and has an accident early in the shift. The employee is tested for marijuana and tests positive, and is then terminated. Per the Chamber of Commerce, in this scenario, the employer is exposed to liability under AB 2188 because the employee's use was not "on the job" and impairment had not persisted. The Assembly Committee's response is instructive:

However, as explained above, an employee who appears at work under the influence of marijuana cannot excuse their use of marijuana as "off the job and away from work." Subdivision (b) of the bill specifically addresses this concern, stating that its provisions do not "[permit] an employee to be impaired by, or to use cannabis on the job," nor do they "[affect] the rights or obligations of an employer to maintain a drug and alcohol-free work place." Therefore, this bill would not expose an employer who disciplines an employee for being under the influence of marijuana while at work to any liability for doing so. **Rather, the bill makes clear that an employee who appears at work while under the influence of marijuana would not qualify for its protections.**

The carve out is consistent with California case law which further supports an employer's right to maintain a drug-free workplace, and indicates that private employers possess a "legitimate interest in drug- and alcohol-free work environment, and in excluding from employment those individuals whose drug and

alcohol use may affect their job performance or threaten harm to themselves." The statutory text, prior case law, and legislative history, taken together, suggests that an employer is still permitted to discipline an employee who appears at work under their influence (of THC) despite the new law. However, the fact of the matter remains there is no case-law to confirm this is how courts will indeed interpret the new statute and this possible defense.

Although AB 2188 (among other relevant laws) imposes prohibitions on the employer's ability to base employment decisions on cannabis use that takes place "off the job and away from the workplace", or on drug-screening tests that detect nonpsychoactive cannabis metabolites (as opposed to THC), the statute still preserves the employer's right (and in some cases, obligation) to ensure a drug-free workplace. However, as drafted, the statute leaves employers with open questions as to how courts will actually interpret and apply the law. Given the absence of any case law interpreting and applying AB 2188, employers should review their "drug-free workplace" policies keenly aware of the open questions, and consider conducting an audit and assessment of any potential exposures under their existing practices in light of the restrictions imposed by AB 2188.

Tara Mohseni is an associate of the Orange County office of Ogletree Deakins. Tara represents and advises employers, ranging in size from small businesses to the largest employers in the nation, and in a wide array of employment law topics, including single-plaintiff discrimination, retaliation, and wage and hour suits, as well as class-action actions. She has experience litigating in state and federal courts, arbitration, and administrative agencies. She also provides advice and counseling to employers on a variety of policies and procedures. Tara is motivated by her clients' commitments to maintaining both thriving businesses and exemplary work environments for their employees. She works closely with her clients to identify their unique goals, and to develop a tailored strategy to accomplish them. Tara has experience handling cases through trial. Tara is a graduate of UC Law San Francisco (formerly UC Hastings).



Vince Verde is the head of the firm's Trial Practice Group. He is a litigator and former prosecutor with extensive jury and non-jury trial experience. He has tried and won jury trials in multiple jurisdictions and represents employers in state and federal courts in single and multi-plaintiff actions. His diverse practice includes the representation of regional and national clients in all phases of litigation involving employment, labor matters, commercial disputes, insurance and coverage matters, including D&O, E&O, health and disability. He has handled claims involving unfair competition, trade secret and non-compete matters, work place violence, intellectual property rights, class action lawsuits and claims against insurance agents and brokers. He has extensive experience in all areas of employment law, including wrongful termination, retaliation and 1102.5 claims, discrimination, harassment, wage and hour issues, family and medical leave, disability discrimination and accommodation and employee privacy. Vince draws on his skills as a trial attorney in order to successfully resolve matters early in the litigation or obtain dismissals through summary judgment.





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**November 8<sup>th</sup>, 2023**

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“She believed in me. She looked at me, heard my life story, saw my academic history, and said, ‘You made it to CSUF... you can be a doctor’”

- Alexis Ruiz

#### FUTURE PEDIATRICIAN EXCEEDS HER OWN EXPECTATIONS

Alexis Ruiz always knew she would graduate from college, but she never imagined she could attend medical school. It was the words of an assistant dean at Cal State Fullerton that ultimately changed the first-generation college student’s path for the better. “You made it to CSUF. If you can make it here, you can be a doctor.” Empowered by the support that she received, Ruiz graduated with a bachelor’s degree in Childhood Adolescence and Development. Ruiz plans to pursue her goal of becoming a doctor in pediatric oncology.





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# CALIFORNIA'S DIVORCE LAW: BOON OR BANE FOR ENTREPRENEURS?

By Paul Nelson, Esq



For the entrepreneurial spirits who've dedicated years to building their businesses, a significant concern has always been the potential claim of a spouse to a large portion of their enterprise upon divorce. This concern stems from the understanding that a successful business isn't just a source of income; it's a repository of countless hours of hard work, sacrifice, innovation, and risk. The looming threat of a 50-50 division often overshadows divorce proceedings, leaving many business owners anxious about their post-divorce futures.

## Question Presented

What are the laws and regulations related to community property division of a business in California?

## Answer

California law generally requires the equal division of community property in a divorce. However, courts have broad discretion to determine the manner in which marital property is divided and may use a variety of methods to achieve an equitable result. When it comes to dividing a business, courts may apply different approaches to apportion business profits between separate and community estates and may consider factors such as commingling and asset apportionment to reach an equitable result.

## Analysis

The California Family Code defines community property as "all property, real or personal, wherever situated, acquired by a married person during the marriage while domiciled in this state." (Cal. Fam. Code § 760). This definition is important for understanding how a business might be divided in a divorce, as it establishes the presumption that property acquired during marriage is community property. (A legal presumption is a rule of law that allows a court to assume a fact is true until it is rebutted or disproved)

However, the case law makes clear that courts have broad discretion to determine the manner in which marital property is divided in

order to achieve an equitable result. For example, in *In re Marriage of Cream*, the court noted that "trial courts possess broad discretion to determine the manner in which marital property is divided in order to accomplish an equal division." (13 Cal.App.4th 81, 88). The court went on to list four methods of division that may be used: in kind, asset distribution or cash out, sale and division of proceeds, or conversion to tenancy in common.

When it comes to dividing a business, courts may apply different approaches to apportion business profits between separate and community estates. In *In re Marriage of Brandes*, the court discussed the *Pereira* and *Van Camp* allocation approaches, noting that "California courts have developed two alternative approaches to allocating business profits between separate and community estates." (239 Cal.App.4th 1461, 1473). The court also addressed the impact of commingling on the characterization of a business as separate or community property, noting that "separate property may become community property by the process of commingling in such a manner as to make segregation impossible." (Id. at 1474).

Finally, the case law also discusses the principles of equitable apportionment. In *In re Marriage of Brandes*, the court noted that "when a spouse's personal efforts increase the value of his or her separate property business, 'it becomes necessary to quantify the contributions of the separate capital and community effort to the increase,' because the 'community is entitled to the increase in profits attributable to [the] community endeavor.'" (Id. at 1472).

## Summary

This intricate dance of assets, income streams, and individual contributions is the new reality for business owners and high-income earners considering divorce in California. It's a landscape that demands preparation, in-depth understanding, and the right experts by your side. Embracing these shifts and challenges head-on is essential for those aiming to transition smoothly through the potentially turbulent waters of divorce.

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# Fostering an Inclusive Work Environment for Caregivers: A Guide for Employers

“A female partner at another law firm told me I needed a stay at home spouse if I wanted to practice law and be a parent.” I heard this statement from a law student this summer. My jaw dropped.

In today’s diverse and dynamic workforce, it is critical for employers to create inclusive work environments that accommodate the needs of all employees – including those who want to raise children or assist those in need (i.e. “caregivers”). Caregivers include those who are parents, and those who take on the responsibility of caring for family members, children, or loved ones who may have disabilities, illness, or those who simply need assistance. Balancing work and caregiving responsibilities can be challenging, but the right employer will work to support these employees.

Here is a non-inclusive list of ways an employer can foster an inclusive work environment for caregivers:

### 1. Flexible Work Arrangements

Offering flexible work arrangements, such as a hybrid work (ability to work from home on certain days and in the office on others), can significantly ease the burden on caregivers. Another option is to establish tiered work hours, correlating with different pay scales, to accommodate varying levels of employee availability. Some individuals may need to take a step away from being a 40+ hour/week employee for a short – or long period. This way, both the employer and the employee can come to an agreement as to what is expected.

### 2. Paid Family Leave and Caregiving Benefits

Providing paid family leave for not only the “primary” parent signifies that you, as an employer, understand that a child is *both* parents’ responsibility (and joy), and that you stress the importance of supporting them on this new journey. Similarly, providing leave and benefits for caregivers adds to their emotional and financial support in difficult times.

### 3. Mentorship

Facilitate mentorship and networking opportunities for caregivers within your organization. Connecting caregivers with others who have similar experiences can be incredibly beneficial and provide a sense of camaraderie. Simply having someone else say “I get it – it is hard” goes a long way.

### 4. Training

Training programs on diversity and inclusion, as well as caregiving awareness, can help employees and managers understand the challenges caregivers face. Efforts to increase awareness and sensitivity can reduce stigma and promote empathy among coworkers.

Creating an inclusive work environment for caregivers not only benefits employees, but also contributes to a more compassionate and supportive workplace culture. By implementing these strategies, employers can create a place where caregivers are valued, supported, and able to balance their caregiving responsibilities with career growth and development. In turn, this could lead to increased employee retention, satisfaction, and overall business success.

**Heather Dillion** is a partner at Dorsey & Whitney LLP in Costa Mesa, CA. Specializing in workplace law, Heather is passionate about offering preventative guidance on day-to-day employment issues and aiding businesses in resolving employee disputes. She helps her clients comply with laws and regulations, as well as build tailored handbooks and policies for their individual business needs. In addition, she advises clients on pre-litigation claims and, when necessary and unavoidable, defends them in litigation. Whether defending claims involving employment discrimination, harassment, wrongful termination, and retaliation, or wage and hour violations and compliance, Heather works to understand her clients’ goals to minimize risk, limit the financial impact, and achieve the most advantageous outcome possible. She represents business owners in various industries, including restaurant and hospitality, healthcare, manufacturing, distribution, retail, technology, homebuilding and infrastructure companies. Heather has been recognized in “Ones to Watch: Labor and Employment Law-Management” by The Best Lawyers in America.



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## 2023 General Counsel Bios

### Scott Becker, General Counsel

*Willow Innovations, Costa Mesa*

Scott Becker built the company's first in-house legal function from the ground up, leading all legal and strategic aspects of the company's financing efforts during the toughest year for fundraising in recent memory, ultimately closing a \$115 million debt and equity financing transaction in September 2022. Becker supports international expansion and new product launches, and advises the company and board on a significant and extended restructuring, including executing multiple reductions in force and executive level separations.



### John Beckley, Deputy General Counsel and Head of Litigation

*Automobile Club of Southern California, Costa Mesa*

John Beckley has built the in-house litigation unit at the Auto Club while also balancing a large number of contracts, employment, management, and compliance matters. The emphasis is on business, class actions, insurance, contract, real estate, alternative dispute resolution, privacy, risk management, and employment law. Much of the litigation is handled in-house while Beckley also manages outside counsel on complex litigation throughout the United States. This includes wildfire subrogation where his recent efforts with outside counsel have resulted in the recovery of millions of dollars in two states. He is primarily responsible for all corporate litigation, especially in California, Texas, New Mexico, and Missouri. This responsibility demands that he quickly develop an understanding of not only California's unique business and employment laws, but those of other states. Beckley has led appellate teams, defending the Auto Club's and affiliates' business models, name, and brand, at the California Supreme Court, the United States Court of Appeals, and the California Courts of Appeal. This has resulted in at least sixteen federal and California published cases, some of which are class actions, regarding the Fair Credit Reporting Act, the Americans with Disabilities Act, insurance, membership practices, battery program, corporate governance, expert fees, employment, installment fees, unfair business practices, and service of process.

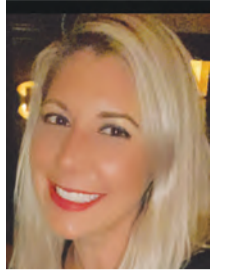


### Danielle Blanchard, Corporate Counsel

*Varian Medical Systems, a Siemens Healthineers Company, Newport Beach*

Danielle Blanchard has earned a stellar reputation in the in-house community for deeply knowing the needs and care of the C-suite. Blanchard has worked in-house in several roles since graduating from Chapman law, now serving as

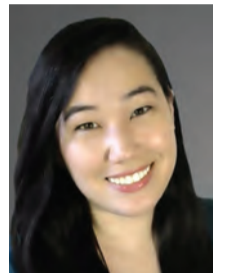
the main attorney for the strategic alliance group within her organization, and across organizations under the umbrella of Siemens Healthineers. Blanchard's background comes from commercial work. At Varian she negotiates, drafts, and redlines contracts for customers facing transactions (hardware, software, services) for the business. She works with attorneys from Siemens Healthineers on large value joint deals to ensure that Varian is protected while presenting the customer with the ease of ordering both companies' products under one agreement. Blanchard worked on a team of attorneys from both Siemens Healthineers and Varian on a year-long project to harmonize our customer facing contract forms. This included review of current forms and creation of new templates that would include both companies' terms. She also serves as the main attorney and point of contact for the Varian strategic alliance group, who handles all third-party strategic relationships and facilitate the process for interoperability with Varian products. This includes negotiating agreements, creating new templates for our interoperability program, and working with outside counsel on litigation matters.



### Yashina Burns, VP, Legal & Privacy

*Deeptent Inc., Irvine*

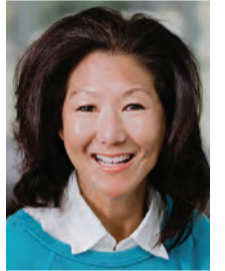
Yashina Burns is a rising star, making great strides in her role as VP of Legal at Deeptent. Burns developed critical industry advertising guidelines addressing changes in federal and state privacy laws and regulations as a key contributor in collaboration with industry leaders. These days in advertising online, this legal control framework is essential to the success of a digital first company. Burns built the legal team from the ground up, now a team of four for which she serves as supervisor. Burns' reach goes beyond her expertise in privacy, and she provide generalist guidance counseling the company's employment, immigration, litigation, and other general matters.



### Sue Collins, General Counsel

*Waldencast plc and Obagi Cosmeceuticals LLC, Long Beach*

Sue Collins leads the legal departments at both Waldencast plc (Nasdaq) and its affiliate, Obagi Cosmeceuticals LLC ("Obagi"). Collins also serves as the executive vice president of Obagi. In these roles, Collins was responsible for all legal aspects of Obagi's 2022 restructuring, financing and de-SPAC transaction with Waldencast. Collins was also in-



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## 2023 General Counsel Bios

strumental in its acquisition of its Southeast Asian distributor, Obagi Vietnam Import Export Trading MTV Company Limited in 2023. She has been engaged by Obagi and its predecessor since 2009 and was involved in Obagi's prior acquisition by Valeant Pharmaceuticals and subsequent divestiture from Valeant. Prior to that, Collins also served as the senior director, corporate securities for Broadcom for more than eight years. Collins has more than 20 years of experience practicing at reputable international law firms and in-house at large public and private companies.

### Michael Costa, General Counsel

*NVision Eye Center, Aliso Viejo*

Michael Costa is a business-oriented corporate regulatory and transactional attorney with 26 years of experience representing various types of private and publicly-traded health-care service providers, large hospital and academic medical centers, physician multi-specialty practices, medical device manufacturers and pharmaceutical companies in complex regulatory, licensing, compliance, corporate governance, reimbursement and transactional matters. Costa has a track record of negotiation and execution of complex commercial transactions including strategic acquisitions, joint ventures and affiliation agreements, clinical research trials and commercial financing arrangements. He has the ability to analyze complex legislation and advise as to compliance with all applicable regulations and bring a strategic point of view on government relations. Costa spent 20 years as general counsel building and leading internal law departments and currently serve as general counsel at one of the largest health care provider entities specializing in ophthalmology care with over 90 centers and 12 ambulatory surgical centers operating in seven states with over 2,000 employees and revenues of approximately \$1 billion.



### James Dee, Associate General Counsel

*Accion International, Irvine*

James Dee's major contributions to Accion International are leading its new efforts to manage and operate funds and investments that affect millions of people - particularly bringing financial access to communities in developing countries. This necessitates harmonizing an integral approach across investments in Latin America, Asia and Africa with a focus on sustainable environmental and social practices. At his prior in-house position at Chainlink Labs, he led the establishment of a blockchain ecosystem of decentralized applications, from the legal side. That required partnering and negotiating with dozens of companies to join the Chainlink ecosystem and the creation of novel legal pathways within the context of securities laws. The goal of this program is to foster a community of Web3 companies to all be uplifted by Chainlink technology while contributing their own platform developments across the Chainlink ecosystem. Because of the nature of blockchain and cryptocurrency, no such program had been ever created.



### Paul Dechary, Executive Vice President, Legal

*Monster Beverage Corporation, Corona*

As the executive vice president, Legal, Paul Dechary is the head of the Legal Department at Monster. He is a member of the Company's executive leadership team, Equality Diversity and Inclusion Leadership Advisory Board and Sustainability Task Force. Mr. Dechary manages Monster's corporate legal functions, including corporate governance, mergers and acquisitions, compliance, contracts, intellectual property, regulatory and litigation. He is responsible for structuring and managing the growth of the Company's global legal department from two attorneys and four professionals in 2008 to over 22 attorneys and 30 professionals in 2023. Mr. Dechary also assembled and designed the legal resources to support the Company's worldwide expansion, from net sales of approximately \$900 million in 10 countries in 2008 to net sales of approximately \$6.3 billion in more than 150 countries. He manages all corporate governance matters for the Company's Board of Directors and Board committees. Mr. Dechary's primary responsibility is structuring, maintaining, training and enforcing all corporate compliance policies and procedures, including the Company's Insider Trading Policy, Foreign Corrupt Practice Act Policy, Code of Ethics, the Supplier Code of Conduct, etc.



### Janet Dennerline, General Counsel

*KTGY Group Inc., Irvine*

During the three years at KTGY, Janet Dennerline quickly developed and refined the risk management practices for KTGY and built the legal department from the ground up as the first attorney hired at KTGY. Significantly reduced outside counsel spend, contract negotiation turnaround time, and claims and litigation handling.



### Austin Elliott, Associate General Counsel

*Terran Orbital, Irvine*

Austin Elliott is an alumnus of Duke University School of Law, which various rankings consistently place among the top 10 law schools in America. He began as associate general counsel at Terran Orbital, a publicly listed company on the New York Stock Exchange, in March 2023. He serves as a corporate attorney specializing in capital markets transactions and securities law,

including public company advisory, such as filings with the Securities and Exchange Commission and New York Stock Exchange, and corporate transactional work. Terran Orbital is a leading manufacturer of satellite products and a provider of end-to-end satellite solutions, including satellite design, production, launch planning, mission operations and on-orbit support for the most demanding military, civil and commercial customers. Elliott handles numerous complex tasks for the firm, operating with a zeal for following proper financial and securities-related laws and regulations, while establishing and maintaining a strong corporate governance structure. Among other tasks, Elliott prepares and negotiates the documentation required for securities offerings and other financing transactions and handles various corporate governance matters, including subsidiary management and board and committee management tasks (e.g. preparing meeting materials and resolutions for board actions). He also mitigates risk by reviewing the company's legal disclosures and investor relations materials, releases and presentations.



### Justin Fong, General Counsel

*AmWest Funding Corp., Brea*

In his current role as general counsel at AmWest Funding Corp., a leading Non-QM mortgage lender in the United States, Justin Fong adeptly manages all legal facets of the organization, aligning operations with strategic business objectives. During his tenure with AmWest, he has assisted it with obtaining \$100 million in funding, establishing its securitization program (over \$2 billion in mortgage-backed securities issued to date), and in conducting mortgage and mortgage servicing rights sales totaling over \$10 billion. In addition to this, he has been instrumental in forming AmWest's legal operations, including contract and litigation playbooks, outside counsel guidelines, intellectual property management, employee training, and COVID-19 Prevention Program (which did not experience a single mass outbreak, despite AmWest being an essential service and fully in office since 2020).



### Andy Gallardo, General Counsel & Chief Risk Officer

*Genesis Bank, Newport Beach*

Mr. Andres Gallardo, Esq., Genesis Bank's EVP, general counsel and chief risk officer, has achieved remarkable business accomplishments throughout his career. Notably, he played a pivotal role in the establishment and growth of Genesis Bank from its inception, showcasing exceptional leadership and strategic prowess. At the outset of Genesis Bank, Mr. Gallardo led the incorporation process and meticulously crafted the bank's corporate structure and governance framework. During this critical phase, he and his fellow executive team members orchestrated the successful acquisition of an impressive \$57 million in capital, a testament to his adept fundraising and financial management skills. This initial capital infusion paved the way for the bank's successful launch and subsequent growth. With an extensive banking background spanning over 18 years, Mr. Gallardo brings a wealth of experience to Genesis Bank.



### Michael Gates, City Attorney of Huntington Beach

*City Attorney of Huntington Beach, Huntington Beach*

Michael Gates has been a stellar in-house, general counsel for the City of Huntington Beach. Since 2014, he has saved/protected well-over \$200 million of taxpayer money through is clever, aggressive, effective lawyering. Recently, he prevailed in a massive lawsuit against the State of California, Department of Finance to recover over \$32,000,000 in money the State wrongfully withheld, failing to reimburse the City for decades in old redevelopment loans. In addition to this recent success, Mr. Gates has successfully taken a number of cases to trial defending our police officers, including prevailing in a \$20,000,000 officer-involved shooting case last year. Finally, Mr. Gates is fighting for the character and integrity of his City and the local control authority of his City Council by actively challenging the aggressive State housing laws that seek to impose heaving, untenable burdens on the City. Mr. Gates is a superstar General Counsel - a great example to other cities.



### Joni L. Gaudes, EVP, General Counsel

*Hybrid Apparel, Cypress*

Joni Gaudes recently completed her tenure as president of the ACC-SoCal Chapter from 2021 to 2022, presiding over the premier and highly respected organization for in-house counsel in Southern California. Gaudes' leadership was particularly impactful as she led the helm steering ACC out of the pandemic. The Southern California Chapter of the Association of corporate counsel is one of the largest and most recognized chapter of ACC and has over 1,600 members and focuses on equipping in-house counsel for success through collaboration and education. Gaudes' presidency started in November 2021, while COVID was still prevalent and had to implement a safe and effective way for sponsors and members to see one another and have in-person events. It was quite fitting for Gaudes' theme to be "Get Back to Business". Her tenure was celebrated as truly getting the organization back to business, and getting the in-house community back together.



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## 2023 General Counsel Bios

### Joseph Geisman, General Council

*SUPER73 Inc., Irvine*

Joseph Geisman has been general counsel of SUPER73 for almost three years. He represents the company in multiple financing transactions and streamlines the legal department. Geisman is responsible for securing the release of thousands of SUPER73 products that were retained unlawfully by a vendor in Europe.



### Kristin F. Godeke, Lead Counsel, Consumer Lending Division

*Wells Fargo Bank, N.A., Fullerton*

Kristin Godeke is an industry expert and impactful in-house counsel who is both deep in the details and mindful of the big picture. In her role as the lead counsel for consumer lending at Wells Fargo, Godeke specializes in compliance with state and federal laws and regulations related specifically to loss mitigation (i.e., repossession efforts). Godeke established and continues to chair an industry participant forum in which colleagues discuss emerging trends and risks in the auto finance industry. She served as legal support for Wells Fargo Auto with its comprehensive transformation and centralization of business processes, including consulting and collaborating on the addition of new controls and business functions and developing new loss mitigation policies and products.



### Andrew Hagopian, Chief Legal Officer

*Xponential Fitness, Irvine*

Andrew Hagopian has served as chief legal officer of Xponential Fitness since March 2023. Previously, Mr. Hagopian served in several general counsel or other legal executive roles at both publicly-traded and privately-held growth companies. Immediately prior to joining Xponential, Mr. Hagopian served as general counsel of Newlight Technologies, Inc., a biotechnology and manufacturing start-up. From 2021-2022, Mr. Hagopian was chief legal officer of BetMGM, a leading privately held sports betting entertainment company partially owned by MGM Resorts International. Prior to that, Mr. Hagopian held several in-house roles at MGM Resorts International, most recent of which was a four-year tenure as chief corporate counsel. Mr. Hagopian started his career at Gibson, Dunn & Crutcher, serving as a corporate attorney from 2005 to 2011. Mr. Hagopian received a B.S. degree from USC Marshall School of Business, and a J.D. from Georgetown University Law Center.



### Thomas Haldorsen, General Counsel

*Galardi Group Inc., Tustin*

Tommy Haldorsen started his legal career at Latham & Watkins LLP in Costa Mesa in 2009. After transitioning to Jones Day, he joined the in-house legal department of Lennar, a Jones Day client, in 2014 as counsel. Over his time at Lennar, his responsibilities increased dramatically such that was the point person in the Lennar legal department for numerous regional homebuilding divisions as well as a number of national issues, including safety issues and claims-related issues for Lennar's Multifamily Communities, which operates numerous communities across 19 states. After nine years at Lennar, Haldorsen recently transitioned to a new position as general counsel of Galardi Group Inc., the parent company of Wienerschnitzel, Tastee Freez, and Hamburger Stand.



### Miek Harbur, General Counsel

*New Home Co., Irvine*

Miek Harbur led an NYSE-listed public company (New Home Co.) as general counsel and strategic advisor to the board of directors in connection with a going private transaction and the company's sale to a private equity firm. She served as New Home Co.'s general counsel for five years prior to the sale and continues to serve as their general counsel under new leadership today.



### Anita Hsu, Senior Vice President & Chief Legal Officer

*MBK Real Estate Companies, Irvine*

Anita Hsu is senior vice president, chief legal officer of MBK Real Estate Companies. She currently oversees all related legal matters for MBK Real Estate and its subsidiaries, MBK Senior Living, MBK Rental Living, MBK Homes and MBK Industrial Properties. She also serves as the chief compliance officer for the company. MBK Real Estate is wholly owned through direct and indirect investments by Mitsui & Co. Ltd., a globally diversified trading, investment and service company headquartered in Tokyo, Japan. Founded in 1990, MBK has been strategic in its real estate investments through multiple economic cycles, and continues to acquire, develop and operate senior living communities, multifamily apartments and industrial/logistics projects.



### Wendy Huang, General Counsel

*Prospera Hotels, Orange*

With over three decades of experience, Wendy Huang is one of the premier real estate general counsels in Orange County. She is highly respected as a transactional attorney and litigator. Prior to joining Prospera Hotels, Ms. Huang was ex-

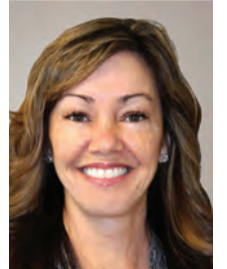
ecutive vice president and general counsel of Crown Realty and Development, and general counsel of Olen Properties. Ms. Huang has successfully defended her company in numerous cases involving contract, real property, and employment matters, as well as successfully completing numerous large scale real estate acquisitions, dispositions, leasing and development. Ms. Huang is admitted to practice in California, New York and District of Columbia.



### Jennifer Jech Simonson, General Counsel & Senior Vice President

*Roth Staffing Companies L.P., Orange*

For the past 19 years, Jennifer Simonson has been a pivotal member of the Roth Staffing senior leadership team leading the organization's Legal, Human Resources, DEI (Diversity, Equity & Inclusion), Risk Management, and Operational Compliance. Simonson's impact, authentic and meticulous style are both noteworthy and consistently validated through successful coworker growth and by national and local workplace recognition including the #1 Best Staffing Firm to Work by SIA (Staffing Industry Analysts) (2022 and 2023) Inc., Clear-lyRated, People@ Companies that Care, and Forbes and Great Places to Work for Women, Millennials, and both Medium and Professional and Consulting. Simonson was recognized as a 2015 and 2018 Gold and Silver Stevie Award winner as HR Executive of the Year by the American Business Awards. Simonson and the teams she leads have supported our company with grace and professionalism.



### Doug Kari, Chief Legal Officer

*Arbitech LLC and Velasea LLC, Irvine*

Doug Kari took a big risk when, in 2002, he bid farewell to his partners at Orrick in L.A. and joined a Laguna Beach startup called Arbitech, which is an independent distributor of tech products. Since then, Kari has served under seven CEO's, bringing stability in a fast-paced industry and helping build multiple business units and brands, in the USA and overseas. Kari has accomplished much in his 21 years of service by helping with the legal aspects of business including, managing personnel and regulatory requirements in 17 states, plus as of 2023, UAE, Saudi Arabia, and South Africa. In addition, relocating the company to Irvine (2005), opening offices on the east coast (2018), Las Vegas (2022), and Dubai (2023), and purchasing a 50,000 square foot industrial building in Nevada (2021). Kari is responsible for managing more than a dozen related companies and brands such as Velasea, an OEM for physical security (founded 2019); Price Geeks, an ecommerce business (rebranded in 2023); Matrix Keyboards, an esports company (acquired in 2021); IronLink, a technology brand (reconceived and expanded in 2023); and DCW, a computer reseller that was spun off but still operates under the Arbitech umbrella.



### Tanya Kiatkulpiboone, Head of Legal

*Speedo USA, Cypress*

Tanya Kiatkulpiboone successfully navigated a tricky transition from PVH to Pentland Brands to aid in the transfer of warehouses and inventorying 2021. Last year, Kiatkulpiboone was able to guide proceedings to terminate contractual agreements with a neglectful warehouse that was costing the company millions. Kiatkulpiboone's quick thinking, excellent knowledge of the law, and persistence aided the business in recouping some of its losses and closed the agreement in our business' favor. Kiatkulpiboone has been exceptional in learning new layers of the law, including complex athlete contracts and negotiating terms to the business' advantage. With high-profile athletes and murky collegiate NIL deals, she is constantly looking to find value for the business and create terms that, while fair, enhance the Speedo brand. Kiatkulpiboone has ensured that Speedo complies with all PII rules and regulations to avoid costly litigations. She continuously scans operations and data collections to verify compliance and take swift action to raise any red flags that would put Speedo in violation.



### Arun Kurichety, Co-Founder & COO/General Counsel

*Petalfast, Irvine*

Arun Kurichety is a seasoned leader, corporate executive, and attorney with an entrepreneurial mindset. He possesses more than seventeen years of corporate transactional/restructuring experience with a focus on the cannabis/CBD industry. As a cannabis industry veteran, he has advised numerous cannabis companies, from start-ups to public, in an ever-shifting regulatory landscape. He is highly regarded for his capital markets and debt restructuring knowledge while regularly advising on corporate governance and compliance/regulatory matters. In 2020, Kurichety achieved his lifelong dream of starting his own company when he co-founded Petalfast, a go-to-market accelerator that helps cannabis brands achieve rapid growth and scale. As chief operating officer and general counsel for the privately-held company, Kurichety bridges the gap between the legal and business spheres by "leading with the law" in the day-to-day management of the company. Kurichety has worked on structuring all aspects of the business, including notably leading five equity raises, several debt transactions, as well as over seventy-five customer partnership agreements in less than three years.





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## 2023 General Counsel Bios

### Benjamin Lin, Director, Intellectual Property

*Activision Blizzard Inc., Irvine*

Ben Lin is a highly accomplished and impactful in-house counsel. Since moving in-house to Activision Blizzard, he has made swift strides to build trust within the organization and to lend strong leadership to a core legal function of such a beloved and storied brand. Lin leads the team of in-house IP professionals and outside counsel to build, implement, and manage Activision Blizzard's global IP strategies, including developing and growing its patent, trademark, copyright portfolios. Lin also oversees outside counsel and manages all IP litigation matters. He works with product teams to implement the company's trademark and brand protection strategies, including supervising the company's global trademark opposition and cancellation docket and supervising pre-litigation IP disputes. Lin also provides trademark, copyright, and right of publicity clearance guidance for game development and content teams.



### Ryan Lindsey, VP, Corporate Counsel, Surgical Team Lead, IP and Litigation

*Edwards Lifesciences, Irvine*

Ryan Lindsey helped manage and ultimately led a series of complex IP litigations between Edwards and some of its principal competitors involving Edwards' flagship products. Each of these litigations included several parallel cases in the U.S., in European countries, in the US and European Patent offices. Each of the litigations resulted in complex settlements involving cross-licenses that both recognized Edwards' valuable intellectual property and removed potential obstacles to Edwards' most important product lines. Lindsey led Edwards' team that successfully preserved Edwards' patents or challenged competitor patents in the PTO and European Patent Offices. He is the chief legal officer for Edwards Surgical Business Unit, essentially serving as the general counsel and advising executive team on the full spectrum of legal needs for the unit.



### Nicholas Look, General Counsel

*SmartStop Self Storage REIT Inc., Ladera Ranch*

As SmartStop Self Storage REIT's general counsel, Nick Look has built up a significant list of accomplishments in a short amount of time. He oversaw SmartStop Self Storage REIT, Inc.'s (previously known as Strategic Storage Trust II, Inc.) 2019 acquisition of the self-storage platform of SmartStop Asset Management LLC, its former sponsor. This transaction made SmartStop Self Storage REIT, as well as the owner of the SmartStop Self Storage brand, related trademarks and over 250 domain names. Earlier in 2019, SmartStop Self Storage REIT completed a merger transaction with Strategic Storage Growth Trust, Inc., adding 29 properties in 10 states and the Greater Toronto Area of Ontario, Canada. Look provided legal oversight for this transaction, including the simultaneous closing of approximately \$525 million of indebtedness to help finance the transaction. In June 2022, Look provided legal oversight of SmartStop Self Storage REIT's completion of an approximately \$280 million merger with Strategic Storage Growth Trust II Inc., which effectively grew SmartStop's portfolio by 10 wholly owned self-storage facilities located across seven states and three real estate joint ventures throughout the Greater Toronto Area of Ontario, Canada.



### Alexandru (Alex) Mihai, General Counsel

*Realty ONE Group, Laguna Niguel*

Alex Mihai leads a lean legal team in a rapidly growing real estate brokerage/lifestyle company. Realty One Group is constantly being recognized as one of the fastest growing companies and best franchise opportunities. Mihai oversees the entire company's legal endeavors and franchising including its international expansion. Realty ONE Group has been named the number ONE real estate brand by Entrepreneur Magazine for two consecutive years and the franchisor is ranked by REAL Trends in the top one percent in the nation. Realty ONE Group was recently named a Top Global Franchise 2023 by Entrepreneur and also claimed the No. 1 spot for real estate franchisors for the second year in a row on Entrepreneur's highly competitive 2023 Franchise 500® list. The company is also ONE of only 50 franchises to be named by Franchise Business Review a Top Franchise for Women 2023. The UNBrokerage as it's known in the industry has more than 19,000 real estate professionals in more than 400 offices in 49 states, Washington D.C. and 17 more countries and territories and growing. While there are around 158 employees at HQ, Mihai oversees the over 19,000 broker/agents which franchise with the company.



### Vinay Mysoor, VP, Corp. Dev. & Legal

*Kajabi LLC, Irvine*

Vinay Mysoor began career representing clients such as Calpine, PPD, Dell, Silver Lake Capital & Hellman & Friedman in several multi-billion dollar public & private M&A transactions at White & Case in NYC and Simpson Thacher in Palo Alto. Mysoor joined PSIGEN Software, Inc. (a small software company founded in Irvine, CA) as its lead lawyer and corp. dev. person and lead it through a successful auction process that resulted in its sale to Kofax, Inc. Mysoor



joined Kajabi as a director of legal & corp. dev. and lead it through its acquisition of Vibely, Inc. and multiple major product releases such as Kajabi Payments and AI Tools. He now serves as the VP of Legal & Corp. Dev. in charge of legal, payments risk, and infosec.

### Jeffrey Plumer, General Counsel & Corporate Secretary

*Evolus Inc., Newport Beach*

Jeff Plumer began his career at Evolus after its IPO in 2018, having served as the vice president of legal to Evolus' sole stockholder from 2014 to early 2018 and was promoted to general counsel of Evolus in October 2020. Earlier in his career, he practiced as a corporate securities and mergers & acquisitions attorney at K&L Gates LLP. He has been a critical ingredient to Evolus' success from inception to FDA approval to ITC cases and beyond. Plumer oversees all legal and compliance matters for the company, including work which resulted in the US Food and Drug Administration's 2019 approval of Evolus' s Jeuveau™ (prabotulinumtoxinA-xvfs), the first and only neurotoxin dedicated exclusively to aesthetics and manufactured in a state-of-the-art facility using Hi-Pure™ technology. In all areas, he is known for his impeccable integrity and he embodies Evolus' culture of transparency and impact.



### Jeffrey Salinger, Corporate Counsel, M&A

*Edwards Lifesciences, Irvine*

Between outside counsel and in-house experience, Jeffrey Salinger has negotiated M&A transactions in excess of \$15 billion of value, equity and debt investments in excess of \$3 billion and negotiated numerous strategic agreements, including license agreements, joint ventures and various commercial agreements. He has successfully supported Edwards through its first public company acquisition, first transaction using representations and warranty insurance, as well as participating in key negotiations for other strategic arrangements and dispute resolution matters. Salinger is also responsible for advising on antitrust matters for Edwards.



### Robert Saman, Vice President & General Counsel

*Syntiant Corp, Irvine*

Robert Saman is vice president and general counsel of Syntiant Corp. He brings to the company over 25 years of legal, corporate and international experience at top-tier global law firms and public, pre-IPO and private technology companies, including venture-backed enterprises. Mr. Saman has extensive experience in corporate and board governance; business development and international expansion; compliance and risk management; intellectual property; public/private M&A; securities laws; and equity and debt venture financings.



### Michelle Sayer, General Counsel & Chief Compliance Officer

*MaxLinear Inc., Irvine*

Michelle Sayer is general counsel and chief compliance officer of MaxLinear, Inc., a leading semiconductor company with revenue of \$1.1 billion in 2022, where she leads all aspects of both the legal and compliance functions in operations located in the United States, Japan, China, Taiwan, Singapore, India, Germany, Austria, Spain, United Kingdom, Israel, and Canada. Previously, Sayer was vice president deputy general counsel at Broadcom, where she led M&A transactions, among other things, including the sale to Avago. She also oversees the management and strategic development of MaxLinear's portfolio of patents covering cutting edge technologies across multiple disciplines. In the past year, Sayer has navigated the company through high stakes mergers and acquisitions, most notably the approximately \$4 billion acquisition of Silicon Motion, and MaxLinear's subsequent exercise of its termination rights, as well as managing several high stakes litigation matters, including the Bell Semiconductor litigation in the ITC and federal courts, and other impactful disputes being closely followed in the technology space.



### Peter Schneider, Chief Health Sciences Counsel

*UC Irvine Health, Orange*

Joining in 2001 as the University of California, Irvine's first in-house healthcare lawyer, Peter Schneider has built an essential function within UCI Health and has become a staple of the organization. He provides legal advice regarding all aspects of healthcare law to the chancellor of the University of California, Irvine; vice chancellor for Health Affairs; CEO of UCI Irvine Health; dean of the School of Medicine; Dean of the School of Nursing; president of the UCI Irvine Medical Staff and Medical Executive Committee and other members of UC Irvine Health System and School of Medicine executive leadership teams. Amongst his many business accomplishments, starting in 2008 Mr. Schneider played a large role in building an affiliation between the University and the Children's Hospital of Orange County and contributed significantly to its ultimate success. The UCI School of Medicine/CHOC Children's Hospital of Orange County (UCI-CHOC) pediatric residency program is a fully accredited, university-based program with access to two free-standing children's hospitals.



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Troutman Pepper Hamilton Sanders LLP

## 2023 General Counsel Bios

### Jeffrey Shieh, Executive Vice President, Head of Legal & Business Affairs

*Sega of America Inc., Irvine*

Jeffrey Shieh started his legal career at Sheppard Mullin in Los Angeles as a corporate attorney. He has worked as in-house counsel at various companies in the Greater Los Angeles area prior to Sega, including Electronic Arts, Activision Blizzard, Oak View Group and Southern California Edison.



### Ako Shimada, Vice President, General Counsel and Corporate Secretary

*Ushio America Inc., Cypress*

Born and raised in Japan with higher education in the U.S., Ako Shimada's strength is in cultivating rapport among teammates from diverse backgrounds and cultures. As general counsel of Ushio America, she is responsible for the company's legal and regulatory matters, including risk management, intellectual property asset management and litigation, data privacy, compliance, and corporate governance. She is also general counsel for Ushio Europe Group and oversees Ushio Europe's legal and compliance matters. She works collaboratively with Ushio America's parent company, Ushio Inc. (6925:TYO), and other Ushio group companies to resolve legal and global strategic issues affecting the entire group. Since joining the Ushio Group, Shimada has closed several M&A transactions successfully, lead global data privacy protection project, and spearheaded strategic decisions as a major creditor in bankruptcy and adversary proceedings.



### Michelle Smith, General Counsel & Corporate Secretary

*REALM IDx Inc. & Ambry Genetics Corporation, Aliso Viejo*

Michelle Smith is general counsel and corporate secretary of REALM IDx, Inc. ("REALM") and its wholly-owned subsidiary, Ambry Genetics Corporation ("Ambry"). Smith's tenure as general counsel of Ambry began in 2017 where she initially oversaw a three person department. Later that year, she successfully guided Ambry's sale to Konica Minolta and has since continued in that role post-acquisition in addition to taking on ever-expanding responsibilities in the new management structure, including being responsible for Ambry's compliance function. Under Smith's leadership, REALM's legal and compliance department has matured into a team of over ten lawyers and legal professionals. Smith and her team oversee legal and compliance matters for REALM and its subsidiaries, including providing guidance to the board of directors and executive management team on a diverse array of matters spanning M&A, commercial transactions, employment law, corporate governance, intellectual property, regulatory compliance, and managing litigation.



### Ardelle St. George, General Counsel/Chief Legal Officer

*Bioplate Inc., Placentia*

During the pandemic, Ardelle St. George assisted the Wyland Foundation in establishing a for-profit subsidiary, BlueCo, for licensing significant merchandise that includes the valuable images of the world-renowned artist and marine environmentalist, Wyland, and promotes the sustainable goals of the Wyland Foundation on a global basis. Today, St. George is assisting through the Wyland Foundation and BlueCo with the Relief Effort for Maui. From working with the Olympic Committee to the United Nation's Sustainable Development Goals to the Maui Relief Effort, the Wyland Foundation through BlueCo, is making a significant contribution from the local to the global community. In addition, St. George is acting as General Counsel for Bioplate, a MedTech company whose mission is to enhance patient quality of life by continuously improving the design, development and delivery of innovative neurosurgical products and manufacturing services. With over Twenty Years of experience as General Counsel of the Orange County PBS Station and other PBS Stations, St. George now provides General Counsel services for NETA. From working with government agencies, to nonprofit organizations, to commercial application in the international marketplace, particularly in the area of sustainability, St. George is assisting Earthwise to clean up our global oceans and waterways.



### Rajiv Tata, Vice President, General Counsel & Corporate Secretary

*Ducommun Incorporated, Santa Ana*

In addition to leading and being responsible for Ducommun's legal function, in 2019, Rajiv Tata created Ducommun Incorporated's Environmental, Social and Governance program and is responsible for publishing the company's ESG report annually. He supports Ducommun's Mergers and Acquisitions team, with five successful transactions closed since 2017 and which have played a significant role in Ducommun's success and will continue to be a cornerstone for the Company's growth strategy in the coming years. In 2021, Tata completed a sale-leaseback transaction of Ducommun's Gardena performance center, located in Carson, California, which was the first in the long history of the Company. The transaction re-

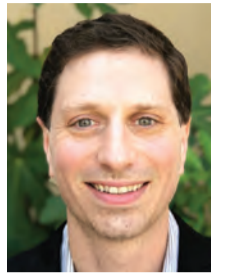


sulted in a cash sales price of approximately \$143 million and generating approximately \$110 million in net, after-tax proceeds.

### Eli Ticatch, Vice President and General Counsel

*BSH Home Appliances Corporation, Irvine*

Eli Ticatch has been an integral part of the evolution and expansion of the BSH portfolio globally. He oversaw the formation of a new BSH legal entity and home appliance factory in Mexico, which included managing land acquisition, construction, and assembling a new in-house legal team for the new Mexican company. Ticatch successfully negotiated high-value commercial contracts with a diverse range of business partners, from an agreement to enable novel digital business models with a start-up to an agreement with one of the largest retailers in the U.S. that has the potential to generate hundreds of millions of dollars in revenue. Ticatch implemented proactive outreach and training programs from Legal Department to Sales, Regulatory, Government Affairs and Marketing Departments, including to increase effectiveness of partnerships and risk-based advice model. In addition, he utilized his litigation background to help drive successful outcomes in numerous lawsuits involving BSH, including a complete victory on summary judgment in a high stakes commercial dispute and successful resolution of major class action lawsuit.



### Richard Tilley, Chief Legal Officer

*Foundation Building Materials, Santa Ana*

Richard Tilley has led the legal department at FBM since April 2016. The company has completed 50 acquisitions since its inception, and many of these were under the leadership of Tilley. He not only leads all legal diligence for the acquisitions but he is heavily involved with the integration of operations after purchase. Tilley has seen the company through several ownership changes, including an IPO and a subsequent acquisition by a PE firm that took the company private. While the company was public, he also ensured compliance with all SEC rules and reporting requirements. Tilley also participates heavily in the oversight and management of FBM's Risk Management and Human Resources departments. He is also directly responsible for all real estate transactions and agreements and for drafting and reviewing of all legal contracts for FBM.



### Faheem Tukhi, Assistant General Counsel

*West Coast University/American Career College, Irvine*

Faheem Tukhi obtained full defense verdict in single-chair employment arbitration. He also obtained terminating and evidentiary sanctions against Defendants in a trade secret matter through an MSJ, resulting in a full judgment against Defendants. Tukhi resolved numerous matters brought by employees and students (prior to a lawsuit or after litigation) for nominal amounts and on favorable terms. He is undefeated in EEOC/DFEH/DIR/Department of Education Office of Civil Rights complaints filed by employees and students.



### Crystal Ventura, Vice President, General Counsel

*Neudesic LLC, Irvine*

Crystal Ventura is an energetic and impactful leader with deep transactional experience. She brings her entrepreneurial spirit to her current roles as general counsel for Neudesic, where she has built the legal team from scratch and guided the company through a significant period of growth. Ventura has over 11 years in-house experience; first nine years in automotive (Toyota and Mazda) primarily focused on technology transactions (both corporate and in-vehicle technology). She managed the close of the transaction when Neudesic was acquired by IBM in 2022. IBM acquired Neudesic to leverage the company's leading expertise in AI technologies and strong alliance with Microsoft. Ventura continues to independently manage Neudesic's legal function as Neudesic remains a standalone entity within the IBM family. She formed a legal team at Neudesic with two supporting attorneys and two staff members who primarily focus on Neudesic's large volume of sales transactions; we review and process approximately 500 contract documents per quarter. Ventura handles all other legal functions, including employment, corporate governance, privacy, and other policy matters.



### Jason Weintraub, Chief Legal Officer & General Counsel

*Jacuzzi Inc., Irvine*

Jacuzzi Group CEO to Board of Directors, February 2023 Board Meeting: "Jason Weintraub has transformed Jacuzzi Group's Legal Department into a profit center." Directly generated or enabled over \$250 million in new revenue and \$75.3 million in EBITDA through affirmative recovery revenue, negotiated cost savings, M&A, new business development, and licensing deals. He was promoted in 2023 to lead company's Regulatory, Employee Health & Safety (EHS), and ESG functions. Re-designed employee safety and OSHA compliance programs, resulting in 40% reduc-



# RUTAN

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Represented Gem-Pack Berries in acquisition of Well-Pict Berries



Represented Gem-Pack Berries in strategic partnership with Red Blossom Sales



Represented Evans Manufacturing in its sale to HPG



Represented Jonesca Company LLC in its sale to NewSpring Capital



Represented Steven Label, LLC in its sale to Goldner Hawn



Represented Castheon Inc. in its sale to ADDMAN Engineering



Advised Tamme, Inc. d/b/a Signature Party Rentals in their sale to Shadow Laker Partners



Represented Renovo Solutions in connection with its receipt of growth investment from Water Street Healthcare Partners



Represented Achates Ventures and RCap Equity in their acquisition of a controlling interest in Roadrunner Restoration



Represented Advanced Real Estate Services in connection with \$250 million real estate investment fund



Represented cPaperless (SafeSend) in its recapitalization transaction with Lead Edge Capital



Represented Wharton Automotive Group (which includes McLeod Racing) in its acquisition of Silver Sport Transmissions



Represented Qmerit in private equity joint venture and serial acquisitions of electrification businesses



Represented Fenec Pharmaceuticals Inc. (NASDAQ:FENC) in its \$34 million underwritten follow-on public offering



Represented Pro-Dex, Inc. (NASDAQ:PDEX) in its \$25 million at-the-market offering

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## 2023 General Counsel Bios

tion in average monthly employee injuries within six months, to less than 1/3 of industry benchmark. Closed 135 workers' compensation claims over past 12 months, saving over \$650,000 against budgeted claims reserves. In addition, Weintraub leads Jacuzzi Group's real estate function, insurance procurement and recovery function and trademark/brand protection program.

### **Qian Wen, General Counsel**

*TCL Industries, TCT Mobile Inc., Irvine*

Qian Wen is responsible for giving legal advice for TCL Industries which includes providing strategic advice to the company's executive leadership on a wide range of legal issues, including corporate governance, intellectual property, regulatory compliance, employment law, litigation, risk management, and contract negotiations. He is also responsible for risk management: identifying and mitigating legal risks that could impact the company's operations, reputation, and financial performance. Wen develops and implements strategies to minimize legal exposure.

In addition, Wen handles all litigation strategy and management, crisis response, global strategy alignment, government relations, regulatory compliance, labor and employment, and diversity and inclusion.



### **Christina Whittaker, Senior Director, Legal Affairs**

*Alteryx Inc., Irvine*

During her time at Alteryx, Christina Whittaker has led a transformative \$400 million acquisition, the company's largest acquisition to date, to accelerate the development of an integrated end-to-end, low code/no code analytics automation platform in the cloud. She led acceleration of the Alteryx Ventures program, which was launched in 2021, completed two ventures in 2022, and has so far completed nine ventures in 2023. Whittaker is responsible for all SEC reporting and has significantly enhanced public disclosures, going from a black and white proxy statement to a full color, stylized proxy statement and leading the company's first corporate social responsibility disclosures. She managed the intern program for several years, including partnering with The Diversity Lab to source diverse candidates. In addition to her day-to-day work, she is actively involved in projects to streamline and enhance operations and disclosures, including contributing to the company's first Global Impact Report, driving rollouts of employee stock purchase plan to 12 new countries, overseeing the creation of internal playbooks for M&A and integration activities and preparing for board and committee meetings.



### **Alex Wilson, Executive Vice President, Chief Legal Officer & Corporate Secretary**

*AEON Biopharma Inc., Irvine*

Alex Wilson serves as the executive vice president, chief legal officer & corporate secretary of AEON Biopharma, Inc., initially joining the company as its general counsel & corporate secretary in August 2021. At AEON, Wilson is responsible for all legal matters, including capital markets, business development, IP portfolio management, SEC reporting, and corporate governance. Additionally, Wilson often assists with HR, regulatory and compliance, and other matters as well. He is a key member of the AEON Biopharma executive team. Wilson joined the company just prior to a potential Initial Public Offering, completing AEON's S-1 and clearing all SEC comments before market conditions required a shift to private funding. After that strategic decision, he was instrumental in the execution of eight convertible note financings and seven distinct debt restructurings and extensions, all since December 2021. Many of these debt restructurings required corporate charter amendments and shareholder approvals which Wilson orchestrated. Recently, Wilson oversaw the company's de-SPAC process and its entry into the public markets. In connection with the de-SPAC process, he assisted with the private placement of the company's public equity, resulting in \$50 million raised, which will provide the company with capital runway through AEON's key data read out in episodic migraine, planned for the Fall of 2023.



### **Christina Zabat-Fran, General Counsel (North America) and Corporate Secretary/ In-House Business Leader at St. John**

*Lanvin Group/St. John, Irvine*

Christina Zabat-Fran is a high-performing general counsel and business and community leader with over a decade serving a global fashion industry giant, Lanvin Group. Lanvin Group includes in its portfolio of brands: Lanvin, Wolford, Sergio Rossi, St. John, and Caruso. Zabat-Fran is a trusted steward with measurable success managing executive team changes including a full C-Suite turnover, demonstrating expertise in corporate social responsibility, root cause analysis, restructuring, corporate governance and transactions, regulatory compliance, risk management, process improvement, loss prevention, settlement negotiation, strategic partnerships, employee relations, and inclusion initiatives. In December 2022, Zabat-Fran helped preside over Lanvin Group's initial public offering via a SPAC on the New York Stock Exchange as Lanvin Group raised \$150 million in its public debut. In 2022, she helped guide Lanvin Group to record revenues of €422 million, a 37% increase year-over-year versus 2021. Looking forward, she is overseeing a big



push towards expansion in the United States and China through 2023 with more stores and acquisitions. Taking Lanvin Group public has also been a high note for her, where she joined the St. John CEO, NYSE President (who also wears St. John), and board members to ring the bell.

### **Anthony Zand, General Counsel**

*Pacific Hospitality Group, Irvine*

In July 2023 Anthony Zand assisted in the opening of 23 units of affordable housing in Napa, CA in partnership with the City of Napa and Caritas Corp., and Orange County based nonprofit. In June 2023 he was elected to the newly formed Irvine Hotel Improvement Operating Committee. Zand is also responsible for the 2022 redemption, recapitalization, and refinance of The Meritage Resort in Napa, CA and the refinance of the Pasea Hotel & Spa in Huntington Beach, CA. He also dealt with ongoing COVID Compliance for 12 hotels across five states and worked on obtaining PPP loans and ERC credits for all of PHG's affiliated hotels.



### **Mark Ziebell, General Counsel & Corporate Secretary**

*Avid Bioservices Inc. Tustin*

Mark Ziebell joined Avid Bioservices (formerly known as Peregrine Pharmaceuticals) in June 2012 as general counsel and corporate secretary, establishing the in-house legal function. Mr. Ziebell is a key member of Avid's executive team and a trusted advisor to the Board of Directors. With the exception of a couple of years during the middle of his tenure, Mr. Ziebell has been the sole in-house lawyer and responsible for all legal operational issues, including corporate governance, SEC regulatory and compliance matters, capital raising and finance-related activities, contracting, compliance and insurance matters. Early in his employment at Avid, Mr. Ziebell played a lead role in the initiation of Avid's pivotal phase III clinical trial of its immunotherapy cancer drug by negotiating all vendor and clinical trial site contracts for over 150 trial sites in 16 countries. Following the unsuccessful phase III trial, Mr. Ziebell played a lead role in the settlement of an activist stockholder campaign, Avid's disposition of its research and development assets and transition to a fully dedicated contract manufacturing development organization focused on development and CGMP manufacturing of biologics. Following this transition, Mr. Ziebell has overseen all legal aspects in connection with Avid's securing of approximately \$200 million in public and private equity and convertible debt financings, the expansion of its facilities which increased manufacturing capacity from \$120 million per year to approximately \$400 million per year and a 150% increase in gross revenues over the past three fiscal years.



## 2023 In-House Legal Team Bios

### **Glaukos Corporation, Aliso Viejo**

*Diane Biagianti, SVP, General Counsel (to retire mid-September and remain a legal advisor)*

*Robert Davis, incoming SVP, General Counsel*

*Diana Scherer, VP, Deputy General Counsel*

*Sara Kerrane, VP, Intellectual Property, Litigation and Regulatory*

*Charley Kamen, VP, Chief Compliance Officer*

The Glaukos legal team

formed and sponsored the sustainability program with ongoing responsibility to organize and run the sustainability council, comprised of cross-functional subject matter experts, and prepare and publish an annual sustainability report, resulting in elevated performance relative to peers, significantly increased proxy advisor and other 3rd party ratings and rankings and increased overall satisfaction of investors. The team developed a robust enterprise risk management process, incorporating employee and senior management feedback, developing and monitoring mitigation activity plans, modifying for changes in risk perceptions and reporting to the Board. They partnered on privacy and information security policies and procedures including document retention, mobile device management, patient information management, data classification and data loss prevention. In addition, the team developed Glaukos Charitable Foundation and Political Action Committee.



### **Hyundai Motor America, Fountain Valley**

*Jason R. Erb, Vice President, Chief Legal & Compliance Officer*

*Thomas N. Vanderford, Jr., Executive Director, Associate Gen Counsel, Litigation*

*Doug Bishop, Executive Director, Assistant General Counsel, Litigation*

*Ruth Eisen, Executive Director, Associate General Counsel, Risk Management & Compliance*

*Geoffrey Moore, Director, Assistant General Counsel, Corporate Transactions*  
*Wilfredo Hernandez, Executive Director, Deputy General Counsel, Americas*



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## 2023 General Counsel Bios

### Strategic Region

*Alma Murray, Director, Assistant General Counsel, Privacy & Cybersecurity*  
*Katie Neville, Director, Franchise Law & Dealer Relations*  
*Karen Morao, Senior Counsel, Environmental Law*



Multiple groups within the legal department, including Corporate Transactions Risk Management & Compliance, and Environmental groups, provided indispensable support to the new electric vehicle (EV) manufacturing and assembly plant and EV battery joint venture manufacturing plants that are under construction or are planned to be under construction in Georgia this year, thereby contributing to Hyundai's growth and increasing competitiveness in the U.S. auto industry. The Legal Department also diligently resolved and successfully defended the company in ever-increasing litigation filings and also worked with various government agencies to ensure compliance with all relevant federal and state regulations, including those dealing in the areas of labor and employment, franchise, privacy/cybersecurity, and the environment.

### REALM IDx Inc., Aliso Viejo

*Michelle Smith, General Counsel and Corporate Secretary*



Michelle Smith



Erika Christiansen



Tiffany Johnson



Malcolm Hazard



Michelle Manu



Wendy Burdei

### Erika Christiansen, Chief Compliance Officer

*Alex Luu, Sr. Corporate Counsel*  
*Lee Meryash, Sr. Corporate Counsel*  
*Tiffany Johnson, Sr. Corporate Counsel*  
*Nicole Hasty, Director, Legal Affairs*  
*Brandon Cha, Corporate Counsel*  
*Erin Regan, Senior Contracts Attorney*  
*Kahillyah Robinson, Contracts Manager*  
*Malcolm Hazard, Contracts Specialist II*  
*Michelle Manu, Director, Legal Operations and Data Privacy Officer*  
*Paul Whitty, Senior Contracts Attorney*  
*Wendy Burdei, Corporate Counsel*

The REALM IDx, Inc. Legal team serves as trusted advisors to the REALM corporate family, including genetic testing laboratory Ambry Genetics Corporation and contract research organization Invicro, LLC. REALM Legal provides support spanning commercial transactions (ranging from M&A to commercial transactions), compliance with complex privacy and healthcare laws, employment law, corporate governance, intellectual property, and managing litigation. By working closely with key business stakeholders, REALM Legal not only protects the REALM corporate family, but also empowers the REALM corporate family to drive scientific advances and benefit patients.

### West Coast University/American Career College, Irvine

*Scott Casanover, General Counsel*  
*Steph Lamb, Assistant General Counsel*  
*Faheem Tukhi, Assistant General Counsel*

### Henry Wojtusik, Legal Assistant

In 2022 West Coast University/American Career College built an in-house litigation team to begin handling many cases "in-house." To date, the team has successfully tried one arbitration to a defense verdict, won two cases on dispositive motion, obtained no-probable cause findings in five administrative proceedings (i.e. EEOC), and currently manage a docket of eight active cases. The in-house litigation model has brought the average settlement value down by over 90% and estimated overall savings in the last twelve months is over \$2 million dollars. Additionally, the in-house legal team co-chaired a federal trade secret case with outside counsel and obtained a seven-figure order in the case.



## Upcoming Legal Issues

November 13, 2023

December 4, 2023

March 18, 2024

June 17, 2024

August 26, 2024

October 14, 2024

November 4, 2024

December 2, 2024

Law Specialties & Intellectual Property Feature

Human Resources & Labor Law Feature

Law Firms Special Report with Law Firms List

Labor Law Roundtable

Leaders of Influence: Women in Law

General Counsel Awards

Law Specialties & Intellectual Property Feature

Human Resources & Labor Law Feature

For more information, contact Carol Fox at 949-486-9664 or fox@ocbj.com



## UCI Health congratulates Chief Health Sciences Counsel Peter Schneider on his nomination for 2023 General Counsel of the Year.

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Since joining UC Irvine in 2001 as the university's first in-house healthcare counsel, Peter's guidance and dedication have been vital to the growth and success of UCI Health. Peter provides legal advice regarding all aspects of healthcare law to the leadership of UCI, UCI Health, UCI Health Affairs.

Peter plays a key role in the ongoing affiliation between UCI and the Children's Hospital of Orange County and his portfolio includes including state and federal regulatory affairs; strategic planning; joint ventures and affiliations with various entities.

Peter earned his bachelor's degree from University of California, Riverside and juris doctorate from the University of California San Diego.



# Congratulations 2023 Nominees

The 13th annual General Counsel Awards will be presented at a gala dinner celebration for GC's who have made a significant contribution to the success of their companies.

Accion International / **James Dee**  
 Activision Blizzard Inc. / **Benjamin Lin**  
 AEON Biopharma Inc. / **Alex Wilson**  
 Alteryx Inc. / **Christina Whittaker**  
 AmWest Funding / **Justin Fong**  
 Arbitech LLC and Velasea LLC / **Doug Kari**  
 Automobile Club of Southern California / **John Beckley**  
 Avid Bioservices Inc. / **Mark Ziebell**  
 BSH Home Appliances Corporation / **Eli Ticatch**  
 City of Huntington Beach / **Michael Gates**  
 DeepIntent Inc. / **Yashina Burns**  
 Ducommun Incorporated / **Rajiv Tata**  
 Edwards Lifesciences / **Jeffrey Salinger**  
 Edwards Lifesciences / **Ryan Lindsey**  
 Evolus Inc. / **Jeffrey Plumer**  
 Foundation Building Materials / **Richard Tilley**  
 Galardi Group Inc. / **Thomas Haldorsen**  
 Genesis Bank / **Andy Gallardo**  
 Hybrid Apparel / **Joni Gaudes**  
 Jacuzzi Inc. / **Jason Weintraub**  
 Kajabi LLC / **Vinay Mysoor**  
 KTGy Group Inc. / **Janet Dennerline**  
 LANVIN Group/St. John Knits / **Christina Zabat-Fran**  
 Maxlinear Inc. / **Michelle Sayer**  
 MBK Real Estate Companies / **Anita Hsu**  
 Monster Beverage Corporation / **Paul Dechary**  
 Neudesic LLC / **Crystal Ventura**  
 New Home Co. / **Miek Harbur**  
 NVISION Eye Centers / **Michael Costa, Esq., M.P.H.**  
 Pacific Hospitality Group / **Anthony Zand**  
 Petalfast / **Arun Kurichety**

Prospera Hotels / **Wendy Huang**  
 REALM IDx Inc. & Ambry Genetics Corporation /  
**Michelle Smith**  
 Realty ONE Group / **Alexandru (Alex) Mihai**  
 Roth Staffing Companies L.P. / **Jennifer Jech Simonson**  
 Sega of America Inc. / **Jeffrey Shieh**  
 SmartStop Self Storage REIT Inc. / **Nicholas Look**  
 Speedo USA / **Tanya Kiatkulpi Boone**  
 ST.GEORGE & CARNEGIE / **Ardelle St.George**  
 SUPER73 Inc. / **Joseph Geisman**  
 Syntiant Corp. / **Robert Saman**  
 TCL Industries, TCT Mobile Inc. / **Qian Wen**  
 Terran Orbital / **Austin Elliott**  
 University of California, Irvine Health / **Peter Schneider**  
 Ushio America Inc. / **Ako Shimada**  
 Varian Medical Systems, a Siemens  
 Healthineers Company / **Danielle Blanchard**  
 Waldencast plc and Obagi Cosmeceuticals LLC /  
**Sue Collins**  
 Wells Fargo Bank, N.A. / **Kristin F. Godeke**  
 West Coast University/American Career College /  
**Faheem Tukhi**  
 Willow Innovations / **Scott Becker**  
 Xponential Fitness / **Andrew Hagopian**

### Legal Team

Glaukos Corp.  
 Hyundai Motor America  
 REALM IDx Inc.  
 West Coast University/American Career College

### Dinner Gala & Awards Program

November 16, 2023  
 6:30 - 8:30 p.m.  
 Irvine Marriott  
 \*Tickets: \$285 /  
 Table for 10: \$2700



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