

# LAW SPECIALTIES

CUSTOM CONTENT • November 4, 2024

*Presented by*



CHAPMAN  
UNIVERSITY

**Fowler School of Law**



## IP Litigation: Recent Decisions Reshape the Patent Litigation Landscape

Recent and upcoming cases are poised to reshape key doctrines and practices, with far-reaching implications for patent holders and challengers alike.

- Design patent obviousness standards under review in *LKQ Corp. v. GM Global Technology Operations*
- Double-patenting doctrine expanded in *In re: Collect LLC*
- Patent laches and priority claims scrutinized in *Sonos v. Google*
- Supreme Court clarifies enablement requirements in *Amgen Inc. v. Sanofi*
- USPTO issues new guidelines for assessing enablement in patent applications

### Design Patent Obviousness: *LKQ Corp. v. GM Global Technology Operations*

In May 2024, the full Federal Circuit issued an en banc decision in *LKQ Corp. v. GM Global Technology Operations*, overturning its long-standing obviousness test for design patents.

At issue in the case was whether the current test for invalidating design patents as obvious conflicted with prior U.S. Supreme Court decisions, such as in *KSR v. Teleflex*. LKQ argued that the Federal Circuit's long-standing requirement of identifying a primary reference with "basically the same" visual impression is overly rigid and inconsistent with KSR's test of obviousness for utility patents.

The court ruled that design patent obviousness analysis should align more closely with the four-factor test used to analyze utility patents for obviousness, while acknowledging that certain aspects may not fully translate to design patents. The likely impact of this ruling is that it will be more difficult to acquire design patents and slightly easier to challenge them in Court.

### Double-Patenting: *In re: Collect LLC*

The Federal Circuit's August 2023 decision in *In re: Collect LLC* expanded the scope of obviousness-type double patenting. 35 U.S.C. § 101 precludes a patentee from obtaining more than one patent on the same invention. Courts have extended this preclusion to "a second patent on an invention which 'would have been obvious from the subject matter of the claims in the first patent, in light of the prior art.'" *In re Longi*, 759 F.2d 887, 893 (Fed. Cir. 1985). This judicially created doctrine intended to prevent an improper time-wise extension of a patent right, by preventing the same inventor from securing rights in the claims in a second patent which are not "patentably distinct" from the claims of a first patent. *In re Lonardo*, 119 F.3d 960, 965 (Fed. Cir. 1997). In essence, the *Collect* court held that, in certain circumstances delays at the USPTO could prevent an applicant from gaining rights in subsequent applications. This ruling has significant potential implications for businesses and industries for which it is common to have multiple patents issue from the same parent application.

Collect's Petition for a Writ of Certiorari with the U.S. Supreme Court was denied.

### Prosecution Laches: *Sonos v. Google*

The ongoing battle in *Sonos v. Google* has set forth an interesting application of the prosecution laches doctrine. If upheld, this decision could arm defendants with a new tool to invalidate asserted patents and have significant implications on how patents are prosecuted at the USPTO.

In October 2023, U.S. District Court Judge William Alsup overturned a \$32.5 million jury verdict in favor of Sonos, finding that the patents in suit, were unenforceable under the doctrine of prosecution laches. Prosecution laches is an equitable defense to patent infringement, whereby a valid patent can be deemed equitably unenforceable if the patentee is found to have unreasonably and inexcusably delayed prosecution of the patent application, causing prejudice to the defendant. See *Symbol Techs. v. Lemelson Med.*, 422 F.3d 1378, 1386 (Fed. Cir. 2005).

Judge Alsup's ruling emphasized that Sonos's patents, filed long after the industry had implemented the claimed technology, were following rather than leading innovation. In finding an unreasonable and inexcusable delay on Sonos's part, Judge Alsup points to the approximately 13-year delay from the time of the filing of Sonos's original provisional application to the time of filing of the targeted

continuation claims that would issue as the infringed claims, including five years after Sonos first learned of the Google technology. In issuing his ruling, Judge Alsup acknowledged that "a patent applicant is allowed to draft claims to read on competitors' products and claim a priority date that precedes them," however, here that right was limited by the prohibition of unreasonable and inexcusable delay.

If upheld, this decision may change the strategy of targeted continuation practice. Further, this decision opens up the application of the prosecution laches doctrine to challenging post-1995 patent filings, in cases of serial continuations and targeted claims.

### Enablement Standards: *Amgen Inc. v. Sanofi* and USPTO Guidelines

The U.S. Supreme Court's unanimous decision in *Amgen Inc. v. Sanofi* in July 2023 clarified the enablement requirement for patent claims, particularly for broad classes of compounds. The Court held that "[i]f a patent claims an entire class of processes, machines, manufactures, or compositions of matter, the patent's specification must enable a person skilled in the art to make and use the entire class. In other words, the specification must enable the full scope of the invention as defined by its claims. The more one claims, the more one must enable."

In response to this ruling, the USPTO issued new guidelines on January 10, 2024, for assessing enablement in patent applications. These guidelines emphasize that:

- The specification must enable the full scope of the invention as claimed.
- Broader claims require more extensive enablement.
- The Wands factors are crucial in analyzing undue experimentation.
- Enablement analysis remains fact dependent.

Under the current state of the law, patent applicants, especially in the biotechnology and pharmaceutical sectors, should be aware that broad genus level claims are unlikely to be deemed enabled by a specification that merely describes ways in which a species of that genus can be identified. Instead, the specification must attempt to identify general qualities common to members of the genus to enable the full scope of their claims.

### Looking Ahead

These developments mark significant changes in patent law and litigation. Patent holders and applicants should consider taking steps to:

1. Reassess the strength of design patents considering the new obviousness standard.
2. Review patent portfolios for potential double patenting issues, especially for patents with term adjustments.
3. Assess continuation strategies or claims targeted at particular competitors, to ensure timely filing of patent applications
4. Carefully draft patent specifications to provide robust enablement support, particularly for broad claims.

In this evolving landscape, proactive patent management and close collaboration with experienced IP counsel are more crucial than ever to protect and leverage patent assets effectively.



Steve Hanle, Partner  
shanle@stradlinglaw.com



Ahmad Takouche, Associate  
atakouche@stradlinglaw.com



Salil Bali, Partner  
Sbali@stradlinglaw.com

Stradling

# The **business** of winning



The litigators at Orange County's premier business law firm know when and how to use their horns. Learn more at [stradlinglaw.com](http://stradlinglaw.com).

Great results begin with great relationships.



FALCON  
RAPPAPORT &  
BERKMAN<sub>LLP</sub>

[frblaw.com](http://frblaw.com)

# We are the uncommon full-service law firm that understands that *Great Results Begin with Great Relationships*

**At FRB, we have the audacity to go above and beyond.**

Every matter begins with a clear focus on our client's goals. By incorporating the bigger picture of their challenges and aspirations, our integrated solutions create optimal results. This collaborative approach works because your success defines ours.

## **Innovation Empowers Better Solutions**

FRB was built on collaboration and responsiveness. Our clients are professionals seeking a respectful, intelligent, and inclusive environment. Our culture is one of commitment, caring, and delivering more than clients expect, but everything they deserve.



[frblaw.com](http://frblaw.com)

Irvine, New York City, Long Island, New Jersey, Westchester County, Connecticut, South Florida.

949-333-8152



# Bitcoin has Been the Best-Performing Asset Class for the Last 10 Years

But two major forces threaten your digital assets: estate taxes and lawsuit creditors.

Upon death, an estate tax of up to 40% can be levied on the value of your digital like Bitcoin. And an unforeseen black swan event in the form of a financially ruinous lawsuit wipe out all or most of what you own. A cold wallet will not protect you.

## **Protect Your Assets. Protect Your Legacy**

To avoid these two calamities, consider integrated estate planning with asset protection at a time when while your financial and legal seas are calm. This type of advanced planning only works if done before your death or before the legal claim arises.

Questions? Contact Attorney Jeffrey M. Verdon at Falcon, Rappaport & Berkman at (949) 333-8248.



FALCON  
RAPPAPORT &  
BERKMAN<sup>LLP</sup>

[frblaw.com](http://frblaw.com)

Newport Beach New York Long Island South Florida Redwood City

**DRIVEN BY JUSTICE.  
INSPIRED BY CHAPMAN.**

# The future of legal education.

The Fowler School of Law at Chapman University is preparing the next generation of lawyers to meet the challenges of tomorrow while honoring traditions of professionalism and service. Our outstanding 2023 California Bar pass rate (81%) and graduate employment rate (93%) reflect the education of distinction our graduates bring to their careers.

Here, classrooms are driven by encouragement, not intimidation, and world-class clinical and experiential opportunities prepare our students for careers as professionals and officers of the court, laying the foundation for a lifetime of legal service.



**Fowler School of Law**

[Chapman.edu/law](http://Chapman.edu/law)





DALE E. FOWLER SCHOOL OF LAW





**FERRUZZO**

# Solving Your Challenges, *Together*

At Ferruzzo, we focus on solutions for our clients. Our energies and legal expertise are rooted in the power of partnership, ensuring the well-being and success for each client. We take immense pride in partnering with our clients, leveraging our team of seasoned attorneys and staff to tackle challenges collaboratively and drive success together.

Ferruzzo celebrates 43 years and expands to Texas.

NEWPORT BEACH, CALIFORNIA | SAN ANTONIO, TEXAS

[ferruzzo.com](http://ferruzzo.com)

## Business Succession and Estate Planning for Family-Owned Businesses

Family-owned businesses are more than just sources of income—they represent a family legacy. Transitioning a family business to the next generation can be challenging if proper succession planning and estate planning are not carefully considered. To prevent potential disfunction, legal disputes and high estate taxes, business owners need to properly position their businesses and develop a clear estate plan utilizing sophisticated estate planning tools in order to reduce estate taxes, ensure family control and facilitate a smooth transition.

**Why Succession Planning Matters.** Without clear business succession planning, family businesses may face serious problems including:

- **Family conflicts:** Family members may disagree over who controls the business, leading to disputes that could damage the company.
- **Loss of control:** Improper planning may lead to loss of family control, where the business either falls into non-family hands or is divided in ways that weaken its future.
- **Estate taxes:** When an owner passes away, the owner's estate may be subject to significant estate taxes, forcing heirs to sell the business or its assets to satisfy the tax bill.

To protect against these issues, family business owners should consider several key legal tools to manage the transition.

**Tools for Business Succession Planning.** Key tools in business succession planning make the process of transferring business ownership smoother while reducing the overall tax burden on the family.

**1. Revocable and Irrevocable Trusts.** Trusts are a powerful planning tool that allow business owners to transfer assets, including business interests, to heirs without the complications of probate and with reduced estate tax consequences.

- **Revocable Trusts:** A revocable trust allows the trust creator (grantor) to retain control over the assets placed in the trust. The grantor can change or dissolve the trust at any time while they are alive. This kind of trust is flexible and ensures a smooth business transition to the next generation.
- **Irrevocable Trusts:** An irrevocable trust cannot be changed or dissolved once it's created. When business assets are transferred into an irrevocable trust, they are removed from the grantor's estate, helping to reduce the estate's overall taxable value. This makes irrevocable trusts particularly useful for business owners who want to minimize estate taxes, but it comes at the cost of giving up control over those assets.

**2. Grantor Trusts.** Grantor trusts, particularly Intentionally Defective Grantor Trusts (IDGT), are another valuable tool for succession planning. An IDGT is an irrevocable trust that allows the grantor to transfer ownership of the business to a trust for the children. The grantor remains responsible for paying taxes on the business's income; however, the business appreciates outside of the grantor's taxable estate.

**3. Corporations, Limited Liability Companies and Limited Partnerships.** Whether organized as a corporation or an limited liability company, it is possible to recapitalize the ownership of the business into voting and non-voting interests. Similarly, family limited partnerships (FLP) have general partners (the business owners) who control the entity while limited partners are passive owners without the ability to vote or control the operations of the FLP. Through these structures, business owners can retain control of voting interests in an entity (or a general partnership interest in an FLP) and gift or sell the

non-voting interests (or the limited partnership interests in the FLP) to family members at a reduced value, taking advantage of certain discounts. There are two common valuation discounts that apply to business interests that reduce the value of the interest for gift and estate tax purposes:

- **Lack of Control Discount:** A minority interest (less than 50%) in a business is worth less because the owner cannot control decisions.
- **Lack of Marketability Discount:** Ownership in a private company is less liquid and harder to sell, which also lowers its value for gift and estate tax purposes.

**4. The Estate Tax Exemption and Upcoming Changes.**

Individuals can currently transfer up to \$13.6 million (or \$27.2 million as a married couple) tax-free under the federal gift and estate tax exemption. This exemption, which adjusts for inflation, is set to remain in effect until the end of 2025. Starting on January 1, 2026, however, the exemption is scheduled to drop to approximately \$6.8 million (or \$13.6 million as a married couple), which means significantly less wealth can be passed to heirs tax-free.

**5. The Benefits of Gifting Before 2026.** Given the scheduled reduction of the gift and estate tax exemption, now is an ideal time for business owners to transfer wealth. Gifting business interests before 2026 allows families to take advantage of the current, much higher estate tax exemption. For estates that exceed the exemption limit, transferring ownership now can save significant amounts in estate taxes. Once the exemption drops, fewer assets can be transferred estate tax-free, which will likely result in significant estate tax liabilities for larger estates, which may have an impact on the future success of the business.

**6. Potential Future Legislative Changes.** There is a possibility that new legislation could reduce the estate tax exemption earlier than the scheduled 2026 reduction. A bill currently being discussed in Congress proposes lowering the estate tax exemption to \$3.5 million and increasing tax rates on estates that exceed this amount from a flat rate of 40% to tax rates ranging from 55% to 75% for the wealthiest estates. If this bill passes, it will drastically increase the tax burden on large estates and family business owners.

For family-owned businesses, succession planning and estate planning are both essential to ensure that the business survives for future generations. Our team of experienced attorneys in our Corporate and Estate Planning Practice Groups are here to help assist you in developing a plan to transition your business to the next generation while minimizing taxes



**JAMES K. LEESE, Esq.** is a Senior Partner who leads the Firm's Estate Planning and Trust Administration Practice Group. He is a Certified Specialist and provides clients with guidance on both fundamental and complex estate planning matters.



**BLAINE M. SEARLE, Esq.** is a Senior Partner and Practice Group Leader for the Firm's Corporate and Real Estate Practice Group. He handles corporate formation, merger and acquisition transactions, business succession, and implements strategies to minimize taxes.



## Safeguarding Your Workplace: The Necessity of California Workplace Violence Restraining Orders

Workplace safety is a critical concern for employers across California. With the rising instances of workplace violence, it's essential to take proactive measures to protect your employees. One of the most effective tools available is a Workplace Violence Restraining Order. This Order issued by the Superior Court is crucial not only for ensuring the safety of your workforce but also for protecting your business from potential liability.

Under current California law, employers can seek a restraining order against an employee who has acted violently or made threats of violence against coworkers. This law is designed to protect employees and their immediate family members. Beginning in January 2025, the law will expand to include workplace misconduct involving harassment that "seriously alarms, annoys, or harasses the person, and that serves no legitimate purpose."

A restraining order can prohibit the violent or threatening individual from reporting to the workplace or being within a specified distance from an employee's home or other locations. It also prohibits communication with the employee. Violating the restraining order can lead to arrest and criminal prosecution.

As an employer, you have a legal and ethical obligation to provide a safe working environment. When a credible threat or act of violence occurs, the ramifications extend beyond immediate physical harm. Failure to address such threats can lead to severe legal consequences, including lawsuits, workers' compensation claims, and penalties for not maintaining a secure workplace. Additionally, the reputational damage from a workplace violence incident can be irreparable, affecting employee morale, customer trust, and overall business operations.

A Workplace Violence Restraining Order can help mitigate these risks by legally prohibiting the threatening individual from approaching your employees or

entering your workplace. This order is a powerful tool that enhances the safety of your team and demonstrates your commitment to their well-being.

At Quinn & Dworakowski, LLP, our Irvine-based family law firm is dedicated to assisting employers in navigating the complexities of workplace violence restraining orders. With years of experience and a deep understanding of California's legal landscape, we ensure that the necessary legal protections are in place, allowing you to focus on running your business.

### The Experienced Team at Quinn & Dworakowski

Understanding the above principles is crucial for business owners navigating divorce, as the division of a business can have long-lasting financial implications. The lawyers at Quinn & Dworakowski provide a comprehensive approach to resolving complex divorce issues for high-level professionals and business owners.

**David Dworakowski**, founding partner of the Irvine based family law firm Quinn & Dworakowski, has been an attorney for over 35 years, earning a reputation for exceptional trial skills, negotiation abilities, and compassion for his clients. Certified by the State Bar, he is one of only two lawyers in Orange County recognized as both a Family Law and Appellate Law Specialist. He has tried over 350 cases and authored more than 100 appeals.



**SMITH  
DICKSON**  
CERTIFIED PUBLIC ACCOUNTANTS, LLP

*EXPERTS IN ACCOUNTING.  
EXPERTS ON THE STAND.™*

- Forensic Accounting
- Litigation Support
- Expert Testimony
- Damage Calculations
- Fraud & Embezzlement Discovery
- Trust & Estate Disputes
- Real Estate Matters
- Intellectual Property Infringement
- Employment Claims



949-553-1020 | [www.smithdickson.com](http://www.smithdickson.com) | 18100 Von Karman, Suite 420 | Irvine, CA 92612

# KERR LAW FIRM

A PROFESSIONAL LAW CORPORATION

## Tips for Recovering Diminished Value and Loss of Use Damages

Every car buyer understands a vehicle's accident history can substantially reduce its value. The first thing most savvy car buyers do when purchasing a used vehicle is check the car's accident history with a service like CARFAX. Even if a car seems mechanically sound and cosmetically clean, the car's accident history significantly decreases its market value. If your vehicle is damaged in a collision due to someone else's negligence, you're entitled to recover more than repair costs. You're also entitled to recover for the 'diminished value' and 'loss of use' of your vehicle from being damaged and repaired.

**Diminished Value** is the difference between the market value of a car prior to a collision and its reduced value immediately after having been repaired. The idea is simple, given a choice between two vehicles, one that has been in a serious collision and another which has not, buyers will invariably choose the vehicle without a collision history. No matter how well a car has been repaired, it's invariably worth less than before the collision.

In California, damages for diminished value can be recovered against the insurer for the party who negligently damaged your car, but not against your own insurer. Diminished value is likely not recoverable in California for a leased vehicle unless you sustain an actual loss upon lease termination.

Proving Diminished Value damages generally requires hiring an appraiser to determine a vehicle's Fair Market Value before the accident and immediately after repairs have been completed. While the trend is slowly changing, you can expect insurance companies to aggressively deny diminished value damages, falsely claiming they're not recoverable in California or a vehicle must first be sold to determine damages.

**Loss of Use** is also an important item of damages in California. Damages for loss of use are calculated by what a similar car to yours would rent for during the time reasonably necessary to repair or replace a vehicle following an accident.

Damages for Loss of Use can be significant. Most new, luxury or exotic cars are expensive to rent. Repairing these vehicles may take weeks or months to complete. It's not unusual for a high-end vehicle to rent for \$1,000 or more per day. If repairs take sixty days, the Loss of Use would be \$60,000.

**About the Author:** Russell Kerr of Kerr & Sheldon has been handling diminished value and loss of use claims exclusively for the past four years. In 2015, Kerr was instrumental in petitioning the California Supreme Court Judicial Counsel to change the DV jury instruction to make clear California consumers can recover *both* the cost of repairing their cars, as well as any loss in value from the accident. To learn more email [Russell@KerrLawFirm.com](mailto:Russell@KerrLawFirm.com)



OVER \$3 MILLION RECOVERED

## HAS YOUR CAR LOST VALUE FOLLOWING AN ACCIDENT? Diminished Value and Loss of Use ARE Recoverable

### Diminished Value

The decreased value of a car following an accident and all proper repairs.

### Loss of Use

The cost to rent a similar vehicle as yours during repairs. No actual rental required.

| Date | Luxury/Exotic Cars              | DV Recoveries AND LOSS OF USE |
|------|---------------------------------|-------------------------------|
| 2022 | 2015 Ferrari 458 Italia         | \$80,000                      |
| 2021 | 2020 Ferrari 488 Pista 2D Coupe | \$120,000                     |
| 2021 | 2015 Ferrari 458 Italia         | \$153,837                     |
| 2021 | 2020 Lamborghini Huracan (LOU)  | \$58,750                      |
| 2021 | 2014 Rolls Royce Wraith         | \$65,000*                     |
| 2021 | 2017 Porsche Macan S            | \$90,000*                     |
| 2020 | 2014 Lamborghini Aventador      | \$74,899*                     |
| 2020 | 2016 Porsche 911 Turbo          | \$55,000                      |
| 2020 | 2018 Mercedes AMG GT C          | \$78,145                      |
| 2018 | 2017 Porsche 911 Turbo S        | \$87,350*                     |

\* Settlements based on policy limits



We're California's #1 Law Firm  
For Diminished Value & Loss of Use Claims.  
Over \$3 million recovered... and counting!

**KERR LAW FIRM**  
A PROFESSIONAL LAW CORPORATION  
714.531.5900 | [russell@kerrlawfirm.com](mailto:russell@kerrlawfirm.com)





## A Guide for Business Owners Considering a Sale

Selling all or part of your business can be rewarding, but it requires preparation and strong representation to safeguard your interests and legacy. Here's what to consider to ensure your transaction is a success:

**Begin With Your Goals:** Start by outlining your personal goals for the transaction, as well as those of your partners, employees, customers, and family. This assessment is critical as it helps guide your decisions and options, ensuring they align with your interests for the future. Choosing the right buyer that you trust is also essential; the best purchaser will prioritize understanding what the business means to you and be aligned with your vision.

**Start Your Preparation Early:** Ideally, begin planning for a sale five years in advance. Get your financial statements audited or at least reviewed annually. Assess your business from a buyer's perspective to identify strengths and weaknesses. Address issues like customer or supplier concentration and dependency on key personnel. Consult a team of advisors—accountants, corporate lawyers, and investment bankers—to guide you through this process.

**Consider Working with an Investment Banker or Business Broker:** Many niche business owners feel they know all potential buyers and skip working with professionals. However, an experienced investment banker or broker can significantly increase your sale price by finding the right buyers and running an auction process. They can present your company effectively and provide valuable advice.



Addison Adams, Esq.

### **Formulating the Letter of Intent (LOI):**

Negotiating the LOI is crucial, as it sets expectations and is drafted by the buyer. While typically non-binding on price and terms, it is binding regarding confidentiality and exclusivity. Engage corporate counsel to assist in this negotiation.

### **Necessary Due Diligence and Purchase Agreement:**

After the LOI is signed, due diligence begins, usually taking about 90 days. This includes a detailed review of your business's assets and operations. Conduct your own due diligence on the buyer by speaking with their partners and assessing their alignment with your goals and culture.

**Closing the Deal:** This process, primarily handled by your attorney, ensures that your interests are protected. The transfer of funds and ownership occurs on the closing day, depending on the negotiated deal structure.

**Considering selling or purchasing a business in California?** Contact Adams Corporate Law at (714) 619-9360 for a consultation, or visit us online at [adamscorporatelaw.com](http://adamscorporatelaw.com) to learn more. Our experienced lawyers are dedicated to closing deals and protecting your interests.



# *We Close Deals.*

Providing Legal Expertise in Selling Your Business



Addison Adams, Esq.

- Orange County-Based Boutique Corporate Law Firm
- Our team of senior attorneys specialize in closing multi-million dollar transactions
- Call (714) 619-9360 or email me directly at [Addison@adamscorporatelaw.com](mailto:Addison@adamscorporatelaw.com)

[www.adamscorporatelaw.com](http://www.adamscorporatelaw.com)



Everett Dorey LLP is a full-service civil litigation firm of trial attorneys. Everett Dorey prides itself on its legal acumen, trial record, experience and its ability to put clients in the best position to succeed.

Client objectives are tailored to individual needs, ranging from early resolution based on experienced evaluations to favorable jury verdicts with awards of attorneys' fees and expert costs.

**Recent Firm and Attorney Recognitions:**

- American Board of Trial Advocates (ABOTA)- Volunteer of the Year
- 2024 40 Under 40 by Daily Journal
- 2024 Top Women Lawyers by Daily Journal
- 2024 Leaders of Influence- Women in Law by OCBJ
- 2024 Litigation Star by Benchmark Litigation
- 2024 Top Legal Organization for DEI, Top DEI Champion by OCCDL
- 2024 Rising Star and Super Lawyers List by Super Lawyers
- 2024 Top Workplace by Orange County Register
- 2024 Best Places to Work by OCBJ
- 2024 Women in Business by OCBJ
- 2024 Best Places to Work SoCal by Best Companies Group
- 2024 Inclusive Workplace by Best Companies Group and COLOR Magazine
- 2024 Best Law Firm in Orange County by Best Lawyers
- 2024 Recommended Firm, 2024 Litigation Star and 2024 Future Star by Benchmark Litigation
- 2024 Chambers Ranked



American Board of Trial Advocates



Best Lawyers

The focus of Everett Dorey's practice is litigation. Everett Dorey attorneys are innovative thinkers and bold litigators who remain one step ahead of their adversaries inside and outside the courtroom. Our reputation as trial attorneys and litigators enables us to evaluate and resolve cases early or be retained on the eve of trial to take cases to verdict.

**Recent Jury Trials**

**Hausenbauer v. Maciejewski, et al.**

Date/Venue: September 2024, Los Angeles Superior Court  
Jury Verdict: Defense

**Dillon v. Los Angeles Department of Water and Power**

Date/Venue: March 2024, Los Angeles Superior Court  
Jury Verdict: Plaintiff\*  
\*Award less than pre-trial demand

**Ohio House LLC v City of Costa Mesa**

Date/Venue: April 2022, United States Central District Court  
Jury Verdict: Defense

**Haynes v City of Orange**

Date/Venue: March 2021, Orange County Superior Court  
Jury Verdict: Defense



Seymour B. Everett III  
Partner, Co-Founder

Everett Dorey's Founding Partner, Seymour "Sy" Everett, III is a prominent American Board of Trial Advocates ("ABOTA") attorney recognized for his expertise in complex litigation across various sectors, including corporations and public agencies and has been named a Top 100 Lawyer by the Daily Journal.

Founding Partner Samantha Dorey, recognized by the Daily Journal as a Top 40 Under 40 attorney, specializes in complex civil litigation in state and federal courts with a focus on catastrophic injury, employment law, and environmental issues, while fostering an empowering environment for female attorneys and earning numerous awards for her contributions to the legal field.



Samantha E. Dorey  
Partner, Co-Founder



