

**Appellate Record  
STEVEN M. STRAUSS**

<i>Nature of Dispute/ Case Name</i>	<i>Outcome</i>	<i>Client(s)</i>	<i>Venue(s)</i>	<i>Date of Decision</i>	<i>Comments</i>
<b>Rulings</b>					
Employment Class Action <i>Liliana Espejo et al. v. The Copley Press, Inc.</i>	Affirmed in part, reversed in part, and remanded	Defendant- Appellant  <b>The Copley Press, Inc.</b>	Court of Appeal, Fourth District, Division 1, California	July 2017	The Court of Appeal reversed the portions of the trial court judgment awarding class members the principal sum plus prejudgment interest and attorney fees and remanded for redetermination. The suit was successfully resolved in 2018.
Breach of Fiduciary Duty <i>350 Seventh Avenue Associates LP at al. v. Sovereign Capital Management Group, Inc., et al.</i>	Affirmed	Defendants- Respondents  <b>Sovereign Capital Management Group, Inc., IUC-SOV, LLC</b>	Court of Appeal, Fourth District, Division 3, California	March 2017	The Court of Appeal affirmed the trial court's ruling sustaining IUC- SOV and Sovereign Group's demurrer on the ground that the complaint inadequately alleges successor-in-interest liability.
Nuisance Litigation <i>Mendez v. Rancho Valencia Resort Partners</i>	Affirmed in full	Defendant- Respondent  <b>Rancho Valencia Resort Partners</b>	Court of Appeal, Fourth District, Division 1, California	August 2016	The Court of Appeal affirmed the trial court's judgment denying the appellant's request for an injunction after determining that the Rancho Valencia Resort Partners' outdoor events did not constitute a nuisance.

<p>Environmental Litigation</p> <p><i>California v. Kinder Morgan Energy Partners, LP</i> 613 Fed.Appx. 561 (2015)</p>	<p>Affirmed in part, reversed in part, and remanded</p>	<p>Defendants-Appellees</p> <p><b>Kinder Morgan Energy Partners, LP</b></p>	<p>United States Court of Appeals, Ninth Circuit</p>	<p>February 2015</p>	<p>The Court of Appeals held that: “[1] the District Court was within its discretion in imposing sanctions on city for violation of discovery orders; [2] there was no evidence that an allegedly contaminated aquifer was a present source of drinking water; [3] the District Court abused its discretion in excluding an expert’s report; [4] real estate damages in nuisance and trespass claims can be proved through hypothetical assumptions of property’s rental value; and [5] issue of fact whether it was possible to extract water from an aquifer precluded summary judgment on damages under loss of use theory.”</p>
<p>Real Estate Litigation</p> <p><i>Union Pacific Railroad Company v. Santa Fe Pacific Pipelines, Inc.</i> 231 Cal.App.4th 134 (2014)</p>	<p>Affirmed in part; reversed in part and remanded</p>	<p>Defendants-Appellants</p> <p><b>Santa Fe Pacific Pipelines, Inc.</b></p>	<p>Court of Appeal, Second Appellate District, Division 8, California</p>	<p>November 2014</p>	<p>The Court held that the trial court failed to make the correct factual interpretation of “property of the railroad” under 19<sup>th</sup> century federal acts granting the land at issue. Accordingly, the Court of Appeal reversed a \$100 million+ judgment in favor of Union Pacific Railroad and remanded the case back to trial court to recalculate the original award.</p>
<p>IP Litigation</p> <p><i>Gabriel Technologies Corp. v. Qualcomm Inc.</i> 560 Fed.Appx. 966 (2014) 558 Fed.Appx. 1028 (2014)</p>	<p>Affirmed award of attorney fees</p>	<p>Defendants-Appellees</p> <p><b>Qualcomm Incorporated</b></p>	<p>United States Court of Appeals, Federal Circuit</p>	<p>March 2014</p>	<p>The Court of Appeals held that: “[1] case was exceptional, as would support award of \$12.6 million attorney fees under federal patent statute, and [2] trade secret claims were objectively specious and maintained in subjective bad faith.”</p>

<p>Real Estate/Environmental Litigation</p> <p><i>San Diego Navy Broadway Complex Coalition v. City of San Diego, et al.</i> 185 Cal.App.4th 924 (2010)</p>	<p>Affirmed denial of writ of mandate</p>	<p>Real Party in Interest and Respondent</p> <p><b>Manchester Pacific Gateway LLC</b></p>	<p>Court of Appeal, Fourth District, Division 1, California</p>	<p>June 2010</p>	<p>The Court held that the nonprofit public benefit organization “failed to demonstrate that the City of San Diego had discretionary authority to address potential environmental concerns that might be identified in a proposed updated Environmental Impact Report (ERI), and, as a result, the city was not required to prepare one.”</p>
<p>Real Estate/Environmental Litigation</p> <p><i>Taxpayers for Responsible Land Use v. City of San Diego, et al.</i> 2009 WL 389965</p>	<p>Reversed in part and otherwise affirmed as modified, including the City’s sale of the property to Hillel</p>	<p>Real Party in Interest and Appellant</p> <p><b>Hillel of San Diego</b></p>	<p>Court of Appeal, Fourth District, Division 1, California</p>	<p>February 2009</p>	<p>The Court affirmed the lower court’s judgment to deny the plaintiffs’ request to set aside the City’s sale of the property to Hillel.</p>
<p>Product defect litigation</p> <p><i>Vicor Corp. v. Exar Corp. et al.</i> 2009 WL 296216</p>	<p>Affirmed judgment dismissing Victor’s attempt to indemnify Exar</p>	<p>Cross-Defendants and Respondents</p> <p><b>Exar Corp.</b></p>	<p>Court of Appeal, Fourth District, Division 1, California</p>	<p>February 2009</p>	<p>The Court upheld the lower court’s determination that the respondents’, including Exar, “sliding scale” settlement was in good faith under the rules of the Code of Civil Procedure and, thus, permitted the lower court to dismiss Vicor’s cross-complaint for indemnity against respondents and enter judgment in their favor.</p>
<p>Breach of Fiduciary Duty and Contract</p> <p><i>Weingarten v. Superior Court</i> 102 Cal.App.4th 268 (2002)</p>	<p>Writ petition denied</p>	<p>Real Parties in Interest</p> <p><b>Pointe San Diego Residential Community, Gosnell Builders</b></p>	<p>Court of Appeal, Fourth District, Division 1, California</p>	<p>September 2002</p>	<p>The Court held that the trial court did not abuse its discretion in ordering disclosure of the opposing party’s tax returns.</p>

<p>Real Estate Litigation</p> <p><i>Aas v. Superior Court</i> 24 Cal.4th 627 (2000)</p>	<p>Judgment of Court of Appeal affirmed</p>	<p>Petitioner</p> <p><b>Alan O. Aas et al.</b></p>	<p>Supreme Court of California</p>	<p>December 2000</p>	<p>The Court determined the “[1] association and homeowners could not recover damages on negligence claim for the cost to repair, or the diminished value attributable to, construction defects that had not caused property damage, disapproving; and [2] privity of contract between homeowners and developer from which they purchased homes did not relieve homeowners from requirement of showing property damage in negligence claims based on construction defects.”</p>
<p>Real Estate Litigation</p> <p><i>L.E.S. Properties Hotel Venture, L.P. v. Westin Hotel Co.</i> 28 F.3d 106 (1994)</p>	<p>Affirmed jury verdict and attorney's fee award</p>	<p>Plaintiff-Appellant</p> <p><b>L.E.S. Properties Hotel Venture, L.P.</b></p>	<p>United States Court of Appeals, Ninth Circuit</p>	<p>May 1994</p>	<p>The Court held that [1] L.E.S. Properties was properly awarded \$1,457,000 in compensatory damages and \$2 million in punitive damages after jury trial; [2] denied Westin's claims the district court erred in awarding attorney's fees and litigation expenses; and [3] denied Westin's claims that the district court erred in instructing the jury to consider a breach of the implied covenant of good faith as a result of insufficient evidence.</p>