

Steve Strauss

Senior Counsel



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San Diego

Commercial Litigation
 Environmental
 Real Estate Litigation
 Intellectual Property Litigation
 Issues and Appeals
 Class Action Litigation
 Sports and Entertainment
 Trials

Steve Strauss is a first chair trial lawyer in Cooley's global litigation department with 35 years of experience achieving trial verdicts and settlements in excess of \$10 billion. Steve is one of the country's most sought after trial lawyers for complex commercial litigation, including business, intellectual property, environmental and real estate matters.

Over the course of his career, Steve has been lead trial counsel for some of the most prominent companies in the world such as Qualcomm and Kinder Morgan. Steve represents corporate officers and directors, owners, developers, investors and high net worth individuals. He recently defended The Salk Institute in a cutting-edge gender discrimination case and represented the family and estate of Junior Seau, NFL Hall of Fame player, in the NFL concussion litigation. High profile clients like these seek Steve out for his practical advice, persuasive courtroom advocacy and winning record in complex, contentious litigations that often span several years.

Steve has received numerous accolades as a trial lawyer. He was lead appellate counsel in *Union Pacific Railroad Co. v. Santa Fe Pacific Pipelines Inc. et al.*, in which he secured a precedent-setting ruling that was selected by the Daily Journal as one of the Top Appellate Reversals in 2014. In addition, this victory was shortlisted by the Financial Times in its 2015 Innovative Lawyers rankings as one of the most innovative courtroom victories that protected a client's business over the past year. Steve also served as lead counsel on *Javo Beverage Co., Inc. v. Stephen Corey* and *Bee-Dee Investments v. Rady*, both of which were selected as a Top Verdict by the Daily Journal. Steve is recognized by the Daily Journal as one of the 75 Leading IP Litigators in California (2012, 2015) and as one of the Top 100 Attorneys in California (2016, 2022). In 2015, The National Law Journal selected Steve for its exclusive "Energy & Environmental Trailblazers" recognition. He is also recognized in Benchmark Litigation's legal guides and listed in Best Lawyers in America in the categories of Commercial Litigation, Construction Law and Real Estate Law, and is named one of the Top 50 Development Lawyers by the Daily Journal. Steve is consistently named as one of the Top 50 attorneys in San Diego by Southern California Super Lawyers list in the category of Business Litigation and has been recognized as a Top San Diego Attorney by the San Diego Daily Transcript. He has been named one of the 500 leading litigation lawyers in America by Lawdragon and has received three Outstanding Trial Lawyer awards from The San Diego Trial Lawyers Association. In addition, Steve was named one of the Top 50 Influential Leaders in the San Diego business community by the Daily Transcript, a top honor in the San Diego community. He is recognized by Chambers as a leading lawyer in the category of Litigation: General Commercial.

Representative matters include:

- Represented **Debra Turner** in her suit against the board of directors of the Conrad Prebys Foundation

and the trustee of Prebys' personal trust, which involved the diversion of \$15 million in charitable funds from the \$1 billion estate Prebys left to charity. In a unanimous 7-0 opinion, the California Supreme Court reversed the lower courts and held that charity whistleblowers have uninterrupted standing to protect their charities. The ruling ensures essential whistleblower protections for more than 110,000 charities across California.

- Represented **Javo Beverage Company**, the industry leader in cold-brew coffee extraction, in a breach of contract and theft of trade secret suit. Following a five-day arbitration, the arbitrator issued an award entirely in favor of our client: \$50 million in damages, assignments of the patents at issue and \$4.4 million in attorney's fees and costs. The win was featured as one of the Daily Journal's 2022 Top Verdicts.
- Represent **Chicago Title** in high-profile litigation related to the SEC's \$300 million fraud Ponzi case against San Diego businesswoman Gina Champion-Cain.
- Represented **Qualcomm** in a Federal Court securities class action that alleged the company failed to disclose technical problems with a high-end chipset and sought billions of dollars in damages. The Court granted our motion to dismiss, which was affirmed on appeal by the Ninth Circuit.
- Represented **Interwest Capital Corporation** in a shareholder dispute alleging damages of \$15 million, including punitive damages and attorneys' fees. Following a four-day arbitration hearing, the arbitrator issued an award finding the claimant failed to establish any of his claims and also ruled in favor of our clients on its counterclaims. The arbitrator found claimant had breached his fiduciary duty to the company and had arbitrated in bad faith. The arbitrator also awarded the exact amount requested as damages for our client.
- Represented **Kinder Morgan** in defeating motions for class certification in putative class actions brought by California and Arizona landowners who claim to own an interest in Union Pacific's right-of-way where Kinder Morgan's pipeline is located, seeking hundreds of millions of dollars in purported damages.
- Represented **Qualcomm** in an arbitration involving a \$1 billion licensing dispute where Blackberry alleged it was owed a refund on certain royalty payments they had made.
- Represented **Kinder Morgan** in a landmark lawsuit filed against the company in 2007 by the city of San Diego alleging failure to clean up a Mission Valley Terminal fuel plume on property located adjacent to Qualcomm Stadium which led to the contamination of soil and groundwater beneath the sports venue. After numerous pretrial wins during the nine year litigation, including multiple favorable summary judgment rulings and successful *Daubert* motions that eliminated key experts for the city months before trial was scheduled to start, the parties entered into a \$20 million settlement agreement, an amount far less than the \$400 million in damages that the city was seeking.
- Represented **Qualcomm** as lead trial counsel in a patent license dispute with Nokia Corp., in the Delaware Chancery Court. Qualcomm alleged that Nokia's continued use of Qualcomm's patents after April 9, 2007 constituted an election by Nokia to extend its license under the parties' existing agreement at the same royalty rate. The case settled favorably for Qualcomm at the start of trial and resulted in a 15-year multibillion-dollar license agreement between Qualcomm and Nokia.
- Represented **Santa Fe Pacific Pipelines LP (SFPP)**, a subsidiary of Kinder Morgan, in an appeal before the Court of Appeal of the State of California concerning a lower court's determination that SFPP owed \$100 million to Union Pacific Railroad Co. (UPR) in back rent for pipeline easements it provided to SFPP. The appeals panel determined that the trial court failed to make the right factual interpretation of what property UPR controlled and opted not to consider law generated by the 19th century federal acts granting the land at issue. The case was remanded back to trial court to recalculate the original award.
- Obtained a unanimous jury verdict in favor of client **Ernest Rady**, a prominent San Diego business leader and philanthropist. Mr. Rady faced a lawsuit filed in 2009 by several family members seeking \$272 million in damages over a purported contract to buy out their shares in American Assets, Inc., a family-owned corporation.
- Represented **Qualcomm** and was lead trial lawyer with Stephen Neal (Chairman-Partner of Cooley) in the

Qualcomm/Broadcom enforcement action tried in the ITC in April 2008 and is believed to be the largest enforcement action ever tried. Qualcomm had been found to infringe Broadcom's 983 (power saving) patent in the underlying action. Qualcomm developed a work-around and Broadcom claimed the work-around still infringed the patent, which was the subject of the Enforcement Action.

- Obtained summary judgment in favor of **Qualcomm** in a \$1 billion trade secret and patent case filed by Gabriel Technologies that alleged Qualcomm and subsidiary, Snaptrack, had stolen trade secrets and patents from the plaintiff relating to Assisted GPS technology. Following the decision, the court issued an order, finding that the case was objectively baseless and brought in subjective bad faith. The Court awarded Qualcomm \$12.4 million in fees/costs – the full amount requested. On appeal, the Federal Circuit affirmed both the summary judgment and "exceptional case" attorney fee award.
- Obtained a win for **NVIDIA** regarding a real estate contract dispute related to the cancelled construction of the company's planned \$1 billion headquarters in Santa Clara, CA. According to the ruling, NVIDIA Corporation avoided a \$20 million termination payment to the developer and was deemed the prevailing party with the right to recover its attorneys fees and costs.
- Obtained a victory for **Qualcomm** in a case involving the alleged misuse of confidential information. The plaintiff sought \$150 million in damages on allegations that Qualcomm had misappropriated confidential information of the plaintiff to usurp an alleged relationship between plaintiff and a third party. The Court entered summary judgment and awarded Qualcomm over \$1 million in attorneys fees.
- Prevailed for **Exar** in a long-running, contentious product compliance case involving power converters. Ericsson initiated the suit against Vicor Corporation and claimed damages exceeding \$1 billion – all of which Vicor sought to pass through to Exar. The trial court granted Exar's motion to enforce a prior discovery order and found that Exar's "sliding scale" settlement agreement with Ericsson was in good faith. Vicor subsequently settled with Ericsson for \$50 million dollars, and appealed the trial court's judgment on the good faith settlement. The trial court's good faith order was affirmed.
- Representing **Manchester Financial Group** on the development of the Navy Broadway Complex, aka Pacific Gateway, a 3 million square feet, \$1.3 billion redevelopment of a 14.7 acre, four-city block waterfront site on the Western end of Downtown San Diego.
- Secured a bench trial win for **Rancho Valencia Resort Partners** in a lawsuit initiated by the owners of a 6,800 square-foot home located near a five-star resort owned by the defendant. The plaintiffs claimed that certain events being hosted on the hotel property violated private nuisance and negligence laws and sought to enjoin such events. The court issued a complete win for our client, denying the request for an injunction and determining there were no private nuisance violations. The judgment was affirmed on appeal by the California Court of Appeal, Fourth Appellate District in a published opinion.
- Represented **Sunroad Centrum Partners** on its development of a 12 story office tower near Montgomery Field that allegedly encroaches upon FAA airspace.
- Obtained a defense judgment in favor of **Qualcomm** in the Hanig class action lawsuit which sought more than \$150 million in damages.
- Successfully represented and defended the **City of San Diego** resulting in the renegotiation of the San Diego Chargers lease.
- Won \$40.1 million award for breach of partnership agreement and fiduciary duty – one of the largest jury awards ever in the State of Arizona.
- Obtained a trial verdict of \$7.57 million against a major hotel chain for breach of contract, negligence and fraud arising from a failed hotel development.

Steve is a Fellow of the International Academy of Trial Lawyers and is a current member of the American Board of Trial Advocates, California Trial Lawyers' Association, San Diego Trial Lawyers Association, San Diego Bar Association and the American Business Trial Lawyers Association. Steve is a Master of the Welsh Chapter of the American Inns of Court. He is the Board President of Museum of Contemporary Art

San Diego (MCASD) and past Board Chair and a trustee of the La Jolla Playhouse. He is also on the Chancellor's Counsel for USCD and on the Directors Council for the Cardiovascular Institute at UC San Diego.

Steve received his undergraduate education in literature and political science, *magna cum laude*, from Claremont McKenna College in 1978, and law degree from University of California, Los Angeles in 1981, where he was a member and associate editor of the UCLA Law Review.

Education

University of California at Los Angeles School of Law
JD, 1981

Claremont McKenna College
BS, 1978

Admissions & Credentials

California

Court Admissions

US District Court for the District of Arizona

US District Court for the Central District of California

US District Court for the Eastern District of California

US District Court for the Northern District of California

US District Court for the Southern District of California

US District Court for the District of Delaware

US District Court for the District of New Mexico

US District Court for the Southern District of New York

US District Court for the Eastern District of Texas

US District Court for the Western District of Wisconsin

US Court of Appeals for the Federal Circuit

Supreme Court of California

Rankings & Accolades

Chambers USA: Litigation: General Commercial – California: San Diego (2021 – 2024)

Daily Journal: Top Verdict
(*Javo Beverage Co. v. Stephen Corey*;
Bee-Dee Investments v. Rady)

Daily Journal: Top 100 Attorneys in California

Daily Journal: Top Appellate Reversals (*Union Pacific Railroad Co. v. Santa Fe Pacific Pipelines Inc. et al.*)

Financial Times - Innovative Lawyers: Standout, Dispute Resolution
(*Union Pacific Railroad Co. v. Santa Fe Pacific Pipelines Inc. et al.*)

Daily Journal: Top 75 Leading IP Litigators in California

Daily Journal: Top 50 Development Lawyers

The National Law Journal: Energy & Environmental Trailblazer

Benchmark Litigation Star

Best Lawyers in America: Commercial Litigation, Construction Law and Real Estate Law

Lawdragon 500 Leading Litigators in America

Southern California SuperLawyers: Top 50 Attorneys in San Diego for Business Litigation

San Diego Daily Transcript: Top San Diego Attorney

The San Diego Trial Lawyers Association: 3 Outstanding Trial Lawyer Awards

Memberships & Affiliations

International Academy of Trial Lawyers (IATL)

American Inns of Court

San Diego County Bar Association

American Business Trial Lawyers Association

California Trial Lawyers Association

San Diego Lawyers Association

American Board of Trial Advocates (ABOTA)