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TOP 100 — 2020

BET-THE-COMPANY LITIGATION AND TRIAL

Alan A. Greenberg

Greenberg, the co-founder and managing partner of Greenberg Gross, gets into his firm's offices occasionally, although they are officially closed. "It's a new world we live in," he said in mid-August, a day after he'd participated in a Zoom deposition in which the man he was questioning couldn't remember a name and nonchalantly pulled out his phone to look it up.

"You don't see that in your ordinary legal life," said Greenberg, who noted the irregular move for the record. "I'm old school. I don't like Zoom depositions."

In April, Greenberg closed out a decade-long saga in which he won a complete defense jury verdict for client Buchalter APC in 2018. The plaintiff sought a half-billion dollars for alleged fraud and civil RICO violations involving claims that one of the firm's partners mishandled the affairs of the heirs of the founder of Alta Dena Dairy. It was one of the few civil RICO cases to be decided by a jury. The ending came when the plaintiff's lawyer announced his clients had agreed to drop their appeal as part of a settlement. *Stueve v. Buchalter APC*, G057080 (4th DCA, filed Nov. 26, 2018).

"The positive ending for Buchalter in this ten-year saga illustrates that businesses, including law firms, greatly benefit from retaining lawyers who can win both at trial

and on appeal," Greenberg said.

In February Greenberg scored a jury trial win against Uber Technologies Inc. in phase one of litigation over claims that the ride-share giant's founders misappropriated the plaintiffs' trade secrets. The verdict established that the plaintiffs filed the suit within the statute of limitations, allowing the litigation to proceed. *Halpern v. Uber Technologies Inc.*, CGC-15-545825 (S.F. Super. Ct., filed March 15, 2014).

Earlier, Greenberg defeated Uber's summary judgment motion. Even so, client Kevin L. Halpern clashed with Greenberg and his firm, leading to Greenberg's move to withdraw as his counsel, a motion the judge denied on the eve of trial. "The judge granted the motion after we won the trial," Greenberg said. "But I'm not whiny about clients. It was a great victory, and it's unfortunate I'm no longer on the case."

In March, Greenberg obtained a complete jury trial win in a breach of contract case filed to rectify his client's \$2 million mistaken overpayment in unwinding a real estate partnership. *Tempic Five LLC v. Kings Co. LLC*, 30-2017-00937575 (Orange Co. Super. Ct., filed Aug. 14, 2017).

"The seller would not admit it was a mistake," Greenberg said. "The seller gambled a jury would never believe someone could make a \$2 million mistake, but juries are



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pretty sharp." He said that on voir dire he asked if they found a bank teller overpaid them on a withdrawal, how many would think it OK to keep the money. "One guy said he'd have no problem keeping the money. I bounced him, but the others were offended and saw the case our way."

— John Roemer