

# Daily Journal

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## TOP TRADE SECRETS LAWYERS 2021



### JEFFREY M. FISHER

Fisher is the co-chair of his law firm's litigation department, and in March, he was inducted as a fellow into the prestigious American College of Trial Lawyers. Over the last few years, Fisher has found himself representing the little guy in what he calls David-versus-Goliath cases.

One such matter is set for an April trial in Los Angeles and involves a large food services company claiming a former executive stole secret recipes when he left to become the CEO of a smaller competitor. *Haliburton International Foods Inc. v. Sevillo Fine Foods Inc.*, 5:20-cv-01069, (C.D. Cal., filed May 21, 2020)

Fisher said the lawsuit was "a preemptive strike" by the larger company, Haliburton, because it correctly suspected the former executive would sue it for constructive discharge.

The executive alleges he left Haliburton after watching its CEO engage in "a persistent pattern of misconduct" including sexual harassment of other employees and selling food containing plastic. "He ended up having to leave the company because he could no longer work in such an environment," Fisher said.

In an uncommon victory in this case, Fisher got the larger company's trade secrets claims dismissed early on, even before discovery. "We were able to show that the recipes were not trade secrets, No. 1, and No.

2, they didn't actually belong to Haliburton," he said. Now, all that is left for trial is the executive's employment counterclaims.

In another David-vs.-Goliath case, Fisher won a \$97 million judgment, including attorneys' fees, for a small plaintiff suing a large company. In it, his client, BladeRoom, claims Emerson Electric Co. stole its trade secrets and proprietary information about the design and construction of a \$200 million data center. Facebook was another defendant, but it settled out during the first week of trial, he said.

A federal appeals court reversed and ordered a new trial in late August. Fisher is seeking a rehearing. *BladeRoom Group Ltd. v. Emerson Electric Co.*, 2021 DJDAR 8986, (9th Cir., Aug. 30, 2021)

Fisher said "working both sides of the v" makes his practice very interesting. Representing defendants and plaintiffs means "you get to see what arguments tend to stick better than others" with jurors.

Although many trade secrets cases involve computers and advanced technology, he has handled many matters that do not. Besides the lawsuit over recipes, he has litigated over trade secrets in customer lists, feather beds and hoses for vacuum cleaners. "That variety is one of the other things I really enjoy about trade secrets cases," Fisher said.

— Don DeBenedictis



**FIRM**

FARELLA BRAUN + MARTEL

**CITY**

SAN FRANCISCO

**PRACTICE TYPE**

TRADE SECRETS &  
PATENT LITIGATION