



William H. Curtis
Senior Of Counsel

555 12th Street, Suite 1500
Oakland, CA 94607

T: 510.808.2000
F: 510.444.1108
wcurtis@meyersnave.com

Practice Group

Trial and Litigation
Commercial Litigation
Labor and Employment

California Bar Number
139920

Education

University of California, Hastings College
of the Law, JD, 1988

Judicial Externship – San Francisco
Superior Court, Law and Motion
Department

University of California at Berkeley, BA,
cum laude, Psychology, Phi Beta Kappa,
1985

Practicing Since: 1989

William Curtis is Senior Of Counsel in Meyers Nave’s statewide Trial and Litigation Practice Group. His nearly 30 years of experience includes litigation in federal and state courts, an extensive range of regulatory matters, and transactional contract, business and advising expertise.

Bill has handled 15+ jury and bench trials and 20+ arbitrations, and has served as lead or key supporting counsel on 200+ motions, numerous appellate matters and 100+ mediations. He has taken or defended 300+ party, witness, corporate representative, and expert depositions.

His primary practice areas are complex business litigation, consumer affairs, labor and employment law, class actions, unfair business practices, torts, Proposition 65, American with Disabilities Act, general commercial litigation, construction defects, contract disputes, insurance coverage litigation, regulatory compliance, contract negotiation and drafting, real estate transactions, and business management and operations.

For 18 years, he was a senior litigator and transactional attorney at mid-size law firms that specialize in civil litigation, business, employment, real estate and corporate law. He most recently served for 11 years as Legal Counsel at a national big-box retailer of software, consumer electronics, household appliances and computer hardware. He handled hundreds of cases involving a wide variety of matters including consumer affairs, labor and employment law, privacy, breach of contract, unfair competition, Prop 65, ADA suits, real estate, among many others. He supervised outside counsel (typically 50 to 60 cases at any given time) and performed significant corporate and transactional work.

Representative Experience

Complex Contract and Commercial Disputes

- *National big-box retailer of software, consumer electronics, household appliances and computer hardware*
 - Obtained a defense verdict after a two-month trial

contesting plaintiffs' allegations that the company engaged in antitrust violations and unfair business practices in the San Diego market, such as sales below cost, locality discrimination, and false advertising, forcing plaintiffs (smaller electronic retailers) out of business. Plaintiffs sought in excess of \$60 million dollars in actual damages and the trebling of those damages under antitrust laws, as well as punitive damages on other claims.

- Obtained favorable settlements, seizures, and restitution orders in high-profile cases arising out of the theft of over \$120 million dollars from the company. Pursued vendors and other individuals responsible for the crimes through three years of multiparty litigation.
- Obtained favorable settlement at mediation in an action for breach of contract and unpaid commissions that the company brought against a cell phone provider.
- Successfully defended the company in a lawsuit alleging lack of ADA accessibility by the vision impaired to the company's website.
- Obtained dismissal with prejudice in a Prop 65 action concerning exposure to di(2-ethylhexyl)phthalate (DEHP).
- Obtained dismissal of class action complaint with prejudice, and an award of sanctions against plaintiffs for \$80,000, in action alleging unfair business practices toward vendors.
- Obtained judgment for the company enjoining defendant from entry onto store properties, defeating defendant's claim of a First Amendment right to set up a table near the entrance of stores to solicit money for charities and engage in political speech and/or protest.
- Obtained favorable settlement on third day of trial on behalf a supermarket chain against a French restaurateur for breach of a service and supply contract concerning bread making and patisserie products.
- Obtained favorable binding commercial arbitration award for a national glass supplier against a railroad defendant for breach of contract, defeating the railroad's defense of commercial frustration of purpose.
- Obtained defense verdict at trial for an automotive chain against complaints of fraud and unfair business practices against customers. Obtained dismissal of corresponding regulatory action as well.
- Obtained favorable settlement for an electrical contracting company in a suit against an employee who embezzled over \$200,000, and against the bank that facilitated the embezzlement. Defeated the bank's motion for summary judgment claiming defenses under the Commercial Code on the grounds the bank was not a holder in due course under the facts in the case. The Court of Appeal affirmed the denial of summary judgment, which resulted in an immediate favorable settlement with the bank.
- Obtained favorable settlement for corporate client of lawsuit brought by a former PGA Tour golfer claiming breach of an alleged oral sponsorship agreement made after the golfer lost his PGA Tour Card and the written sponsorship agreement terminated.
- Obtained favorable settlement for a nurse-staffing agency against a community hospital in an

action for breach of contract and account stated after defeating the hospital's venue transfer motion, and obtaining and executing a prejudgment writ of attachment.

- Obtained favorable settlement for a golf course in an action for breach of partnership agreement and unjust enrichment against a property owner pertaining to construction of a driving range across from the golf course.
- Obtained favorable resolution and settlement for a golf course against an employee who embezzled more than \$300,000. Filed complaint under seal and obtained sealed emergency writs of attachment against the employee's bank accounts. Seized most of the illicit proceeds prior to the employee attempting to wire transfer the funds out the country to a Belize bank account.
- Obtained plaintiff's verdict for a corporate client in bench trial for account stated.
- Obtained favorable settlement for client in a partnership transfer dispute involving a well-known restaurant in Berkeley.
- Obtained favorable resolution for a corporate client in a dispute by a minority shareholder alleging shareholder oppression and breach of fiduciary duty.
- Successfully handled over a hundred Proposition 65 matters for retail, wholesale, and manufacturing companies.
- Successfully litigated numerous class actions in both state and federal court and at arbitration.
- Obtained judgment of rescission for the seller of a business and its assets due to failure of consideration, subsequently obtaining recovery of said business and assets.
- Obtained prelitigation resolutions of hundreds of business disputes for clients involving a wide range of typical and atypical commercial matters.
- Negotiated and drafted numerous commercial contracts and related documents in transactional matters.

Tort Litigation and Insurance Coverage

- Greater San Francisco Bay Area Rapid Transit System. Defended multi-county rapid transit system in numerous lawsuits involving tort claims. Took five cases to jury verdict and obtained defense verdicts in all five. Obtained favorable settlements in cases alleging excessive force involving the system's police officers.
- Defended a school district in a federal lawsuit alleging sexual assault of a student by a teacher and obtained a favorable settlement for the client following disclosure of experts and expert depositions.
- Defended a university in a tort suit filed by a plaintiff who had fallen from a roof. Obtained judgment of non-suit at trial following plaintiff's presentation of evidence.
- Represented a City in various matters including claims of failure to provide police protection, alleged dangerous conditions of public property, public records requests, and issues involving

public hearings.

- Represented a construction supply company in three toxic tort trials to successful verdicts.
- Obtained defense verdict at jury trial for a movie theater in a tort action. Obtained favorable settlement in an action alleging failure to provide security for employee. Obtained favorable resolution in an action alleging failure to prevent drive-by-shooting.
- Obtained favorable jury verdict for a trucking company in action involving fatal accident.
- Obtained favorable settlement for a construction company in fire case involving destruction of a commercial building in Oakland.
- Prevailed in establishing coverage in *Diamond Heights Homeowners Association v. National American Insurance Company, et al.* (1991) 227 Cal.App.3d 563, which is controlling California law on the duty of an excess insurer to accept a reasonable settlement offer. Reaffirmed in *Teleflex Medical Inc. v. Nat'l Union Fire Ins. Co. of Pittsburg, PA* (2017) 851 F.3d 976.
- Managed insurance defense caseload for a national big-box retailer of software, consumer electronics, household appliances and computer hardware.

Employment Matters

- *National big-box retailer of software, consumer electronics, household appliances and computer hardware*
 - Defended client in binding arbitration that resulted in an award in favor of the client, rejecting claims of race discrimination and wrongful termination.
 - Defended client in a jury trial in Los Angeles County Superior Court against claims of race and age discrimination. Favorable settlement reached on the second day of trial after jury selection and opening statements.
- Defended a college district in an Alameda Superior Court action filed by an employee who claimed race and age discrimination by an administrator. The case settled favorably during trial.
- Provided ongoing advice regarding a broad scope of employment matters.

Real Estate and Construction Matters

- Resolved hundreds of lease disputes through negotiation, mediation, litigation, trial and arbitration.
- Obtained successful verdicts in numerous commercial unlawful detainer trials.
- Handled dozens of ADA lawsuits.
- Successfully resolved numerous construction disputes through negotiation, mediation, litigation, trial and arbitration.
- Drafted significant numbers of construction contracts and related documents, leases,

modifications, amendments, purchase and sales agreements, and related documents.

- Handled real estate and construction matters pertaining to corporate clients, including a nationwide retailer, a regional grocery chain, and owners of commercial and residential property portfolios.

Intellectual Property Disputes

- *National big-box retailer of software, consumer electronics, household appliances and computer hardware*
 - Obtained judgment permanently enjoining defendants from utilizing company's trademarks and trade name.
 - Obtained judgment against cyber-squatter on the company's domain name ordering its transfer to the company.
 - Sued the domain name registry Network Solutions for its policy of recognizing first in time registration of a domain name. Obtained a favorable settlement so the rights of the trademark owner are recognized over a first in time registrant of a domain name.
 - Obtained a favorable settlement against the operator of a website which criticized the company and utilized the company's name in commerce.
 - Obtained a TRO against an employee for theft of customer list.
 - Utilized dispute resolution policies of Facebook and Twitter to remove sites, posts, and users infringing the company's trademarks.
- Managed numerous patent infringement lawsuits and had direct involvement at all stages of litigation including trials and appeals.
- Managed intellectual property portfolios of trademarks and copyrights.

Government Investigations and Enforcement Actions

- Successfully represented clients at all stages of governmental investigations and enforcement actions, including inquiries, subpoenas, and claims initiated by city, county, district, and state agencies, as well as federal agencies and regulators.

Corporate Governance and Compliance

- Provided ongoing advice to clients regarding corporate governance and compliance.