

# Daily Journal

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FROM LEFT: Abimael "AJ" Bastida, Brandon Rose, Elizabeth Pipkin, James McManis, Tyler Atkinson and Hilary Weddell.

## McManis Faulkner

SAN JOSE • BUSINESS TRIALS, COMMERCIAL LITIGATION, FAMILY LAW & WHITE-COLLAR

At McManis Faulkner, "trial work is in our DNA," according to Tyler Atkinson, the firm's general counsel. That's because James McManis, the former deputy district attorney who founded the firm more than 50 years ago, "imprinted on this office the ethos of the trial lawyer, a willingness to try a case and not shy away from a courtroom or from a jury," Atkinson said.

All the firm's 19 lawyers are trial lawyers, he added. "Everybody who works here has the same mentality and knows how to take a case to trial."

Major clients have included Seagate and Apple. Recently, the firm co-represented Apple in suing a former top engineer who quit the computer maker to start his own company. Trial was set for October, but the case settled in April. *Apple Inc. v. Williams*, 19-cv-352866 (Sta. Clara Super. Ct., filed Aug. 7, 2019).

In another major case, managing partner Elizabeth Pipkin won decertification of a class action against disk drive maker Seagate after taking over the case from another firm. The plaintiffs had alleged that certain Seagate drives failed. Pipkin said she showed "variability in the testing criteria that was allegedly omitted" from information for consumers. The case is now on appeal. *Pozar v. Seagate Technology LLC*, A166356 (Cal. App. 1st. Dist., filed Oct. 18, 2022).

In other technology litigation, Pipkin and her team have been defending a solar panel maker, Talesun Solar, against three separate lawsuits from a solar project developer over a failed deal. She defeated one claim in an arbitration and recently won a summary judgment to block a second. "These were pretty thorny cases, so we're pleased with the summary judgment we obtained," she said.

The firm prides itself on sometimes taking on unpopular cases and on representing Davids against Goliaths. A prime example from a decade ago is the first lawsuit challenging the federal government's no-fly list after 9/11. The case was originally handled by firm founder James McManis himself.

Pipkin led the trial team in 2014. "We had to take the case up to the 9th Circuit three separate times," including an en banc hearing, she said. When the case finally went to trial, "Judge [William] Alsup ruled that our client, who was a Stanford Ph.D., was an innocent woman who had been wrongfully placed on the no-fly list." *Ibrahim v. Department of Homeland Security*, 3:06-cv-00545 (N.D. Cal., filed Jan. 27, 2006).

"We're really proud to take on those types of cases where we can represent people who are fighting government wrongdoing," Pipkin said.

A more recent example is the representation of a man who was severely injured by a rubber bullet during a protest following George Floyd's death. *Johnson v. City of San Jose*, 5:21-cv-01849 (N.D. Cal., filed March 16, 2021).

Like McManis years ago, some of the firm's attorneys still defend some white-collar and related criminal matters, Atkinson among them. He also often handles petitions for restraining orders, such as ones seeking to protect a client's employees from a potentially violent customer or co-worker. "It is a much more interesting area of law than I ever thought before I got into it," Atkinson said. "It really gets into human behavior as well as constitutional rights."

The firm also has a very active family law practice led by certified specialist Brandon Rose. Rose won an appellate ruling in 2022 affirming that a general litigation release is effective in a community property dispute.

Over the last year, McManis Faulkner made an aggressive push to add young, diverse associates to its trial team, including two new law school graduates.

The firm also promotes from within. One younger partner, Hilary Weddell, began working for McManis as a part-time file clerk while still in high school.

— Don DeBenedictis