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Devin Courteau has extensive experience in handling complex commercial litigation matters, with an emphasis on trade secret actions. He has prosecuted and defended numerous actions under the California Uniform Trade Secrets Act, including representing a developer of technologies used to etch silicon wafers, an international waste paper trading company, and a group of securities brokers. He has represented clients in both state and federal courts drafting pleadings, conducting discovery, taking depositions and arguing motions. He has also advised employers on confidentiality measures required to protect trade secrets, and the drafting and enforceability of forum selection clauses, choice of law clauses, non-disclosure agreements, and non-compete and non-solicitation clauses in employment agreements.

Mr. Courteau also represents defendants in environmental litigation regarding groundwater and soil contamination and in mass toxic tort actions in which large numbers of plaintiffs seek recovery for injuries allegedly arising from exposure to hazardous contaminants in the environment. His experience in both of these areas includes litigation involving trichloroethylene ("TCE"), tetrachlorethylene ("PCE") and other contaminants in drinking water, groundwater, and soil vapor.

Mr. Courteau also has experience representing contractors and tradespersons in construction defect litigation, in actions involving both commercial and residential buildings.

### **SIGNIFICANT REPRESENTATIONS**

- Represented a developer of technologies used to etch silicon wafers in an action against a former employee alleging misappropriation of the corporation's trade secret technologies and processes. Matter settled to the satisfaction of our client.
- *KLA-Tencor Corp. v. Verity Instruments, Inc.* (U.S.D.C. N.D. Tex.): Counsel for plaintiff in an action involving trade secret misappropriation, patent inventorship and patent ownership claims relating to semiconductor wafer inspection technology. Matter settled to the satisfaction of our client.
- Represented waste paper trading company in an action against three former employees alleging misappropriation of the company's trade secret financial information and customer lists. Matter settled to the satisfaction of our client.
- Retained to represent a group of securities brokers accused by their former employer of misappropriation of trade secrets. This representation began after a temporary restraining order had been entered against the brokers, essentially prohibiting them from doing business. We defeated the former employer's application for a preliminary injunction, thus permitting the brokers to engage in their livelihoods. Matter settled to the satisfaction of our clients.
- Represented international manufacturer of home furnishings in a trade secret misappropriation action brought by a competitor. Matter settled to the satisfaction of our client.
- *In re Coordinated Groundwater Litigation* (CA Sup. Ct., County of Los Angeles): Defended

three national corporations in fifteen coordinated mass tort cases, filed by over 1000 plaintiffs against over 50 defendants, alleging personal injury, wrongful death and property damage caused by groundwater and drinking water allegedly contaminated by TCE, PCE, perchlorate and NDMA, among other chemicals. Drafted the demurrer which disposed of the plaintiffs' claims for fraud, civil conspiracy and ultrahazardous activity, and coordinated discovery efforts against the plaintiffs on behalf of the defendants, a process which led to the dismissal of over half of the plaintiffs. The remaining plaintiffs' claims were settled for less than \$200 per plaintiff.

- *Marquee Investment, LLC v. South Macomb Disposal Authority* (MI Cir. Ct., County of Macomb): Defended an environmental contractor, municipal authority and five cities in an action by developers of properties neighboring a landfill who alleged that contamination from the landfills had migrated onto their properties and prevented development. The plaintiffs sought millions of dollars for cost recovery and contribution pursuant to the Natural Resources and Environmental Protection Act (Michigan's version of CERCLA), as well as tort claims for negligence, trespass and nuisance. Obtained summary judgment on all of the plaintiffs' claims, resulting in dismissal of the action.
- *Dehoyos v. Sherwin Williams Company, et al.* (CA Sup. Ct., County of Los Angeles): Defended two manufacturers in wrongful death action alleging the decedent contracted Amyotrophic Lateral Sclerosis from exposure to toxic substances in paint products. After our successful demurrer to the complaint, we settled this matter on extremely favorable terms.
- Represented corporate defendant in mass tort case in Southern California in which a large number of plaintiffs sued for personal injury, property damage, wrongful death and medical monitoring due to underground TCE and PCE contamination. Allegations concerned alleged vapor intrusion in homes.
- *LePrino Foods v. Big D Construction* (U.S.D.C. Col.): Retained by national HVAC manufacturer York International to defend a \$26 million construction delay damage claim. This dispute arose during construction of the largest mozzarella cheese manufacturing facility in the United States, for which client York was contracted to install air handlers and chillers. Obtained dismissal for York through a motion to dismiss based on a forum selection clause. After depositions of York personnel, no party brought action against York in the proper forum and ultimately the plaintiff reached a satisfactory settlement with the other defendants remaining in the case.
- *York International v. Lawrence Livermore Laboratory*: Retained on behalf of national HVAC manufacturer in a suit claiming contract damages and construction delay damages regarding installation of air handlers at the Laboratory. York sought recovery of extra costs and other damages incurred while constructing and assembling air handling units according to design specifications provided by the Lab for inclusion in portions of the National Ignition Facility Project. After a one-day mediation, York obtained a \$1.8 million settlement, representing costs and damages generated by the defective design and changes required by the Laboratory.
- Represented national payroll processing corporation in several actions for breach of payroll processing agreements, obtaining orders in each case compelling arbitration in the corporation's home state, and in one case convincing the Court that the unavailability of California's Unfair Competition Law in the selected forum would not violate California public policy.
- Represented national payroll processing corporation in multiple actions for fraud and breach of contracts relating to the licensing and updating of payroll software. The plaintiffs alleged their businesses were destroyed when our client phased out the software in question. Our motions for summary judgment eliminated virtually all of the plaintiffs' claims, thus removing punitive damages from the cases.

## Practice Areas

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- Construction

- Environmental
- Product Liability
- Toxic Tort
- Trade Secret Protection and Litigation
- Proposition 65

## Education

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- University of California, Berkeley, 1994 B.A.
- Golden Gate University School of Law, 1998 J.D.  
Highest Honors

## Court Admissions

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- California
- US Court of Appeals for the Ninth Circuit
- USDC: Central District of California
- USDC: Eastern District of California
- USDC: Northern District of California
- USDC: Southern District of California

## Memberships & Associations

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- Bar Association of San Francisco

## Representative Experience

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**Practice Area:** Business And Commercial Litigation, Class Action/Complex Litigation, Environmental, Toxic Tort

**Key Issues:** Environmental; Toxic Tort; Landfill; Remediation; Groundwater; Contamination

**Venue:** Macomb County, Michigan Circuit Court

**Client Type:** Defendants Environment Contractor & Municipal Authority

The developers of properties neighboring a landfill brought an action against an environmental contractor for the landfill, municipal authority and five cities alleging that contamination from the landfills has migrated onto their properties and prevented development. The plaintiffs seek millions of dollars in claims from cost recovery for lost profits and contribution pursuant to the Natural Resources and Environmental Protection Act (Michigan's version of CERCLA), as well as tort claims, negligence, trespass and nuisance.

**Result:**

We obtained summary judgment on all of the plaintiff's claims-cost recovery, contribution, injunctive relief, breach of contract, negligence, nuisance, trespass and fraud-resulting in dismissal of the action

**Practice Area:** Construction

**Key Issues:** Construction Defect

**Venue:** California Superior Court for the County of Sacramento

**Client Type:** Cross-defendant Alarm Installation Company

Twelve homeowners brought an action against the general contractor that constructed the development in which their tract homes are located, alleging numerous defects in the construction of various components of the homes, including but not limited to the roof, foundation, electrical, cabinetry and windows. The general contractor filed a cross-complaint naming numerous subcontractors including our client, the subcontractor that pre-wired the homes for, and/or installed, alarm systems. Our client's work was alleged to have contributed to water damage in several homes.

**Result:**

This matter settled on very favorable terms.

**Practice Area:** Coverage, Environmental, Insurance Services

**Key Issues:** Dry Cleaner, TCE, Groundwater Contamination

**Venue:** California Superior Court, County of San Mateo

**Client Type:** Defendant Dry Cleaning Equipment Manufacturer

A private water provider filed suit against numerous companies involved in the dry cleaning industry, such as equipment manufacturers, chemical manufacturers, and retail dry cleaning companies, alleging its groundwater supply in Southern California was contaminated with TCE from the defendants' business operations. The plaintiff sought millions of dollars in remediation costs, as well as punitive damages.

**Result:**

By examining our client's records and public records, we were able to determine that our client did not supply dry cleaning equipment to any company doing business over the aquifer from which the plaintiff obtained its water. We were thereby able to obtain a dismissal of our client prior to responding to the complaint.

**Practice Area:** Construction

**Key Issues:** Construction Defect

**Venue:** California Superior Court for the County of Sacramento

**Client Type:** Cross-defendant Cabinet and Counter Company

Thirty homeowners brought an action against the general contractor that constructed the development in which their tract homes are located, alleging numerous defects in the construction of various components of the homes, including but not limited to the roof, foundation, windows, and cabinetry. The general contractor filed a cross-complaint naming numerous subcontractors, including our client the subcontractor who installed the kitchen and bathroom cabinets in the homes.

**Result:**

This matter settled on very favorable terms.

**Practice Area:** Catastrophic/Personal Injury

**Key Issues:** Scaffold; General Contractor; Swing Stage Scaffold

**Venue:** California Superior Court, County of San Francisco

The plaintiff was walking on a sidewalk in a commercial district of San Francisco when she was hit by a wood plank that fell from the canopy of a scaffold 20 feet above. The plank was part of the canopy, but was dislodged when the employees of the sub-contractor that supplied a swing stage scaffold (akin to a window washer's rig) were moving the swing stage from one drop to the next, hitting the plank with one of the swing stage's casters. The Plaintiff suffered a fractured clavicle and a T8 burst fracture, and filed suit against the property manager, the

general contractor, the scaffolding subcontractor and the swing stage scaffolding subcontractor, seeking damages far in excess of \$1 million.

**Result:**

This matter settled shortly before trial, with our client contributing less than one-third of the settlement amount.

**Practice Area:** Asbestos, Business And Commercial Litigation, Class Action/Complex Litigation, Toxic Tort

**Key Issues:** Bankruptcy; Asbestos; Contract Obligation; Defense; Indemnity

**Venue:** US Bankruptcy Court Southern District of New York

**Client Type:** Plaintiff Auto Parts Manufacturer

We were retained to represent Remy International, Inc. ("Remy") in the bankruptcy proceeding commenced by General Motors Corporation ("GM"). Remy purchased the assets of the former Delco Remy Division of GM pursuant to an Asset Purchase Agreement ("APA"). The APA, executed by and between Remy and GM, placed certain ongoing indemnity obligations on GM in connection with various litigation and potential claims relating to GM products manufactured and premises occupied during the time period prior to the APA. In the bankruptcy, we assisted Remy secure testimony and documents needed to defend itself in a number of active cases, and subsequently obtained dismissals in all of those actions. We also assisted Remy in successfully pursuing a claim in the bankruptcy for its costs of defense regarding those actions. More importantly we obtained for Remy, as part of GM's confirmed bankruptcy plan, protection from liability for asbestos claims relating to GM products manufactured and premises occupied during the time period prior to the APA. This is a relatively unprecedented achievement in a bankruptcy that does not involve a Section 524(g) trust.

**Result:**

We are assisting the auto parts manufacturer in pursuit of both its Claim in the bankruptcy as well as securing through the bankruptcy, the testimony and documents needed by our client to defend itself in a number of active litigations