



Todd A. Roberts
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Todd A. Roberts graduated from the University of Oregon in 1983 with a Bachelor of Science degree in Business Administration and Political Science. He graduated from the University of California, Davis School of Law in 1987.

Mr. Roberts is the Resident Director of the Redwood City Office and has been with the firm since obtaining his law degree 25 year ago. He was elected partner in 1993 and holds the highest ethical rating from Martindale-Hubbell. Mr. Roberts was also named by *Northern California Super Lawyers*® magazine in the areas of Employment & Labor, Intellectual Property Litigation and Insurance Coverage for the years 2004, 2005, 2006 and 2011.

Mr. Roberts specializes in institutional defense and complex commercial litigation involving employment disputes, insurance and contracts, business torts, anti-trust, real estate, and indemnity agreements.

Employment

Mr. Roberts' employment practice focuses on the defense of employers and their officers and directors from claims of sexual harassment, discrimination, retaliation, misappropriation of trade secrets, wrongful termination, and wage and hour disputes. In addition to the state and federal courts, Mr. Roberts has represented clients before the Equal Employment Opportunity Commission, the California Department of Fair Employment and Housing, the Unemployment Insurance Appeals Board, Labor Commissioner and the National Labor Relations Board. Mr. Roberts also counsels employers on a variety of issues involving reductions in force, risk avoidance, and best practices.

Real Estate

Mr. Roberts also represents real estate agents, brokers, developers and owners in connection with a wide variety of disputes, including purchase options, claims of misrepresentation, professional negligence, breach of fiduciary duty, easements, property lines, leases, and purchase contracts.

Intellectual Property and Commercial Litigation

Mr. Roberts also has vast experience in the defense of disputes involving trademarks, trade dress and copyrights; the defense of claims alleging unlawful, unfair and fraudulent business practices under the California Unfair Business Practices Act; the defense of employee claims for benefits under E.R.I.S.A.; the defense and pursuit of claims arising from indemnity agreements; for specific performance of real estate purchase contracts; for injunctive relief and damages in connection with the misappropriation of trade secrets; and a variety of other business disputes.

Insurance

Mr. Roberts has defended insurance carriers in over one hundred bad faith cases and frequently represents insurers and their agents in coverage and other disputes with policyholders. These disputes include claims for "advertising injury" liability, property insurance, employment practices liability insurance (EPL), real estate errors and omissions and a broad variety of specialty lines policies.

He was lead counsel and argued the case of *Julian v. Hartford Underwriters* before the California Supreme Court, wherein the court, in a 7-0 decision, upheld and enforced a policy exclusion found in virtually all homeowner's policies in California that applies to weather conditions that combine with landslide to produce the loss. Mr. Roberts has also argued over 25 cases in the California Courts of Appeal and the U.S. Court of Appeals for the Ninth Circuit.

Mr. Roberts frequently speaks at industry seminars and meetings on litigation trends and developments in areas of law of interest to firm clients. He has been a panelist at the Firm's annual seminar on Insurance & Casualty Litigation and updates in California Law for over fifteen years.

He is a member of the State Bar of California and the San Mateo County Bar Association. He is admitted to the U.S. District Court for the Northern, Eastern, Southern and Central districts of California, the District of Arizona and the United States Court of Appeals for the Ninth Circuit. Mr. Roberts is an active member and now serves in the leadership of the Federation of Defense & Corporate Counsel (FDCC). His former roles in the FDCC include having served on the Intellectual Property Committee, the Employment Committee, as Vice-Chair of the Bad Faith Section and Chair of the Insurance Coverage Section (received Appleman Award for best section chair), and Vice-Chair of the Projects & Objectives Committee. Mr. Roberts is also a member of the Defense Research Institute (Employment Committee) and the Association of Defense Counsel of Northern California and Nevada (Former Chair of Employment Section). In 2009 and 2011, Mr. Roberts served on the faculty of the Leadership Institute and Litigation Management College at Emory University.

Mr. Roberts is active in community affairs in Menlo Park, California. He coaches in the Alpine Strikers Soccer Club, which is part of the CYSA District II Olympic Development Program. He is also an advisor to Professional Players Management Group, a sports agency located in San Rafael, California.

Practice Areas

- Business And Commercial Litigation
- Employment
- Employment Litigation and Dispute Resolution
- Intellectual Property
- Real Estate
- Insurance Services
- Antitrust

Education

- University of Oregon, 1983 B.S.
- University of California, Davis, 1987 J.D.

Court Admissions

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

Memberships & Associations

- Association of Defense Counsel of Northern California and Nevada (ADC)
- Defense Research Institute (DRI)
- Federation of Defense and Corporate Counsel (FDCC)

Representative Experience

Practice Area: Intellectual Property

Key Issues: Breach of Licensing

Company sued prominent Internet DVD company for breach of licensing agreement. Dispute involved implementation issues and failure of product to perform as represented.

Practice Area: Copyright, Domain Name and Trademark Litigation, Intellectual Property

Key Issues: Copyright Infringement; Trademark Infringement

A multinational computer technology corporation filed copyright and trademark infringement suit against hardware and software re-seller in federal court. The plaintiff contended sale of software by company without formal distribution agreement constituted infringing conduct. The plaintiff also alleged some product was counterfeit.

Result:

Case defended on basis of "first sale" doctrine.

Practice Area: Employment

Key Issues: Arbitration

Enforceability of arbitration agreement in executive employment agreement. Dispute involved entitlement to post-termination benefits.

Practice Area: Employment

Key Issues: Sexual Harassment

Employees of prominent golf and country club in Northern California filed a charge of discrimination claiming sexual harassment before Dept. of Fair Employment and Housing.

Practice Area: Copyright, Domain Name and Trademark Litigation, Intellectual Property

Key Issues: trademark infringement

Venue: USDC: Northern District of California- San Jose Division

A private research university filed trademark infringement suit in federal court against manufacturer of RF integrated circuits on the eve of their initial public offering. The plaintiff claimed that the use of their name in the name of the defendant's company was likely to cause consumers to believe that it was affiliated or sponsored by the university.

Practice Area: Appellate, Employment, Healthcare

Key Issues: Employee vs. Independent Contractor

Client Type: Health Insurance Company

Sales agents of health insurance company claimed they were employees despite expressly agreeing they were

independent contractors.

Result:

Case successfully tried to conclusion before Unemployment Insurance Appeals Board.

Practice Area: Antitrust

Key Issues: Sheet Metal; Foreign Trade; Import; Export;

Venue: USDC: Eastern District Wisconsin

Client Type: Automotive Sheet Metal Parts Manufacturing

In a putative class action, a distributor of automotive sheet metal parts alleges that the major Taiwanese automotive sheet metal part manufacturers conspired together to artificially increase prices.

Result:

Defendants have filed a motion to dismiss for failure to state a claim and a motion to dismiss for lack of subject matter jurisdiction under the Foreign Trade Antitrust Improvements Act.

Practice Area: Antitrust, Unfair Competition/Business Practices

Key Issues: Sheet Metal; Manufacturing; Antitrust

Venue: USDC: Southern District of Ohio

Client Type: Automotive Sheet Metal Parts Manufacturing, Defendant

An Ohio-based manufacturer of automotive sheet metal parts alleges that our client conspired with other Taiwan-based manufacturers to manipulate the market price for truck hoods for the purpose of excluding competition.

Result:

Our client's antitrust expert witness has opined that there is no evidence of price collusion, and since plaintiff could not compete with our client on price in any event, plaintiff could not have lost any sales. The case is in discovery.

Practice Area: Real Estate

Key Issues: Real estate litigation

Venue: JAMS Binding Arbitration

Client Type: Defendant and cross-complainant developer

Represented regional, residential and commercial developer in connection with a dispute with landowner/partner who attempted to terminate partnership agreement and development.

Result:

Acted as lead trial counsel and defeated all claims asserted against developer and prevailed on all cross-claims asserted against plaintiffs.

Practice Area: Employment

Key Issues: Employment; Wrongful Termination/Whistleblower

Venue: JAMS Arbitration (San Mateo County Superior Court)

Client Type: Chief Operating Officer

Represented chief operating officer of publicly-traded company in connection with allegations of wrongful termination of employment and retaliation.

Result:

Confidential settlement.

Practice Area: Employment, Premises Liability

Key Issues: Sexual Harassment

Venue: San Francisco County Superior Court; Hawaii Circuit Court

Client Type: Worldwide hotel chain operating a resort in the state of Hawaii.

Represented international hotel chain in connection with allegations by client relating to alleged inappropriate touching during spa treatment.

Result:

Successfully compelled dismissal of action in the San Francisco County Superior Court and awarded costs of suit.

Practice Area: Intellectual Property, International

Key Issues: Misappropriation of Trade Secrets; Foreign Company

Venue: United States District Court for the District of Michigan

Client Type: Taiwanese Based Company

Represented Taiwanese based company with U.S. operations from allegations of misappropriation of trade secrets relating to alleged proprietary manufacturing process. Claim involved approximately \$10 million in alleged damages.

Result:

Successfully compelled dismissal with prejudice.

Practice Area: Real Estate

Key Issues: Tenant's Purchase Options; Commercial Real Estate; Right of First Refusal

Venue: Alameda County Superior Court

Client Type: Defendant Real Estate Broker and Agent

Represented national commercial real estate broker and agent in connection with a dispute over the validity of tenant's attempt to exercise purchase options.

Result:

After vigorously pursuing the litigation for two and a half years, our high professional standards required us to withdraw from the matter due to a previously undisclosed conflict of interest between the broker and the agent. The matter settled less than a month later.

Practice Area: Real Estate

Key Issues: Commercial Real Estate; Option to Purchase

Venue: Alameda county Superior Court

Client Type: Defendant Real Estate Agent and Broker

This action arises from a tenant's failed attempt to exercise an option to purchase a commercial building in Livermore. The broker and agent were sued along with the building's owner following the owner's refusal to proceed with the sale based on his belief that a financing contingency that was part of the option to exercise was invalid, on its face, and that the option had expired.

Result:

The matter was amicably resolved on terms favorable to our client.

Practice Area: Real Estate

Key Issues: Partnership; LLC; Denial

Venue: San Francisco County Superior Court

Client Type: Plaintiff LLC member, cable television provider

RMKB immediately filed a civil complaint and sought an injunction to prevent Defendant's lockout of Plaintiff from the company. This application for injunctive relief brought Defendant to the negotiating table, where the parties resolved several of the issues in the complaint.

Result:

The matter was eventually settled and Plaintiff was restored to his rightful place in the company. RMKB has since assisted Plaintiff in purchasing Defendant's interest in the company.

Practice Area: Employment

Key Issues: Employment; Sexual Orientation Discrimination; Hostile Work Environment

Venue: Alameda County Superior Court

Client Type: Defendants Software Corporation & Individuals

We represented a software and data management corporation and individuals in a lawsuit filed by an employee alleging discrimination and hostile work environment based on sexual orientation.

Result:

Settlement was very favorable for clients after discovery and internet research revealed information contradicting plaintiff's contentions. We settled for approximately attorneys fees and costs.

Practice Area: Employment

Key Issues: Employment; Age Discrimination; Wrongful Termination

Venue: Los Angeles County Superior Court

Client Type: Defendant Music Corporation

In this case, we represented a large music corporation and individuals in age discrimination and wrongful termination suit.

Result:

The case was settled after the defendants filed summary judgment motion.

Practice Area: Employment

Key Issues: Employment; Retaliation; Whistleblowing; Wrongful Termination; Breach of Contract

Venue: San Mateo County Superior Court

Client Type: Plaintiff Start-up

We represented the COO who transformed a small, private start-up medical device company to a wildly

successful public corporation but was retaliated against by founder for whistleblowing to protect corporate interests and wrongfully termination.

Result:

Case settled prior to binding arbitration.

Practice Area: Employment

Key Issues: Employment; Sexual Harassment, Hostile Work Environment

Venue: Alameda County Superior Court

Client Type: Defendant Fast Food Entity

Represented fast food entity in sexual harassment claim filed by employee who was a minor and alleged inappropriate sexual contact by supervisor (that was caught on restaurant surveillance camera).

Result:

Settled for approximately attorneys fees and costs, A job relocation was offered to the plaintiff.

Practice Area: Employment

Key Issues: wrongful termination; disability; discrimination; FEHA

Venue: San Mateo County Superior Court

Client Type: Defendant Packaging Company

Represented packaging company with worldwide locations in complaint filed by former employee alleging wrongful termination, disability discrimination, and FEHA-based causes of action.

Result:

Prevailed on discovery motion with sanctions award. Settled at mediation for nominal amount.

Testimonials

▫ William Young

"We all know that finding great legal representation can be very costly but an absolute necessary for running your business as smoothly as possible. Jesshill Love and Todd Roberts have continually provided me with excellent legal support while always being conscious of the end game - keeping my expenses to a minimum and resolving issues quickly. Both Jesshill and Todd make every attempt to resolve issues/cases efficiently, keeping overall costs in perspective. I highly recommended both Jesshill and Todd to anyone who is seeking competent and value conscious legal representation."

William Young

President

Atherton Builders, Co.

Atherton, CA

▫ Vince Davie

"From the moment Ropers took over from our previous attorney, I could feel the 'tide begin to change.' I still remember sitting in the conference room with you when Rob came in and shared the judge's ruling on one very important part of our law suit. I remember Ropers did not like what our previous Attorney

had written and the Judge had hinted at not siding with us. Ropers did a complete re-write and the judge reversed his ruling.

From that point on whenever Accounting Network was on the offensive, Ropers consistent representation is what has afforded us the opportunity to stay in business. Without going into all the details, suffice it to say Accounting Network is in business today because of you and Todd and all the very talented staff at Ropers. Each time I had to go to Ropers' office I was always treated with the utmost of courtesy and professionalism. I always know, no matter how much time has passed, if I need anything from you and Ropers, it will be handled in a meticulous, professional manner, on a timely basis, and handled correctly the first time.

Thanks again my friend for all your hard work....and say hello to Todd."

Vince Davie
CEO/President
Accounting Network, Inc.
Santa Clara, CA

Publications

- Author, *Govori v. Goat Fifty*: Court's decision sides with wanna be moms , *Employment Case Alert*, 4/29/2011
- Author, Employment Newsletter, *Employment Law & Issues*, 2/11/2011
- Author, Reid v. Google, Inc.: California Supreme Court Limits Stray Remarks Doctrine For Employers Seeking Summary Judgment, *RMKB Case Alert*, 10/19/10
- Author, Red Alert - California Supreme Court Rejects Personal Liability for Retaliation, 03/03/08
- Author, Red Alert - Coverage - Julian v. Hartford Underwriters, May 5, 2005
- Author, Case Alert - *Howell v. Hamilton Meats & Provisions*

Speaking Engagements

- Insurance & Casualty Litigation 2011 - 2012: The Year in Review, May 23, 2012
- Insurance & Casualty Litigation 2011 - 2012: The Year in Review, May 22, 2012
- FDCC Litigation Management College 2012 Program, June 10, 2012

News

- "New Wave" , *Daily Journal Extra*, September 29, 2003