

## **Ropers Majeski Partner, Rob Rivas, SLAPPs Down Abuse of Process Cross-Claim of Former Importer of Largest Winery in Europe**

**San Francisco, CA - 8/2/19** Rob Rivas, Member of the Firm's Intellectual Property and Complex Commercial Litigation Group and Chair of the Wine, Beer and Spirits Practice Group successfully moved the Superior Court of California, County of San Francisco, to dismiss an abuse of process claim against his client, the largest Winery in Europe and Fourth in the World, pursuant to California's Anti-Slapp Statute.

After multi-million dollar litigation at AAA International Centre for Dispute Resolution over the termination of wine importation and distribution rights and the subject termination fee, Rivas' client obtained an arbitration award awarding full rights to the trade name of the former Importer including the domain name (website included). The Importer allegedly hi-jacked the domain name awarded to his client after the award and it was subsequently obtained by a Japanese company.

The Winery brought a claim for domain name conversion and related unfair competition against the Importer and its executives, including the failure to withdraw brand registrations interfering with the transfer of importation and distribution rights.

After withstanding Demurrer to the domain name conversion and related unfair competition claims of the Winery, the Importer then answered and brought an abuse of process cross-claim against the Winery alleging, amongst other things, that the Winery was punishing the Importer and its executives and that the Winery would fight the Importer with everything it has through hotly contested multiyear and multifaceted litigation in AAA and State Court all related to the termination fee and the aftermath of the arbitration award. The gist of the abuse of process claim was that the Winery maintained multiple actions in multiple forums and brought a motion for contempt after the award was confirmed as a way to force the Importer and its executives to capitulate to a settlement that takes into account the domain hi-jacked by the Importer.

On August 2, 2019, Judge Ethan Schulman of the Superior Court of California, County of San Francisco, after lengthy oral argument, dismissed the abuse of process claim and granted the Winery's Anti-Slapp Motion holding that the claim was based on protected activity and speech, and that the Importer failed to show a likelihood of success on the merits, nevertheless, and awarding the Winery its fees and costs incurred. Rivas was assisted in the arbitration and State Court proceedings by Arnold Sklar, Joseph Ungaro and James Hildebrand of the Firm.

Related Attorneys.

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