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Bird Marella Defeats Petition for Writ of Mandate Filed by Delaware Defendants, Upholding California Trial Court's Refusal to Enforce Delaware Forum Selection Clauses

Principal Ekwan Rhow and associate Kate Shin successfully opposed a writ petition filed in the California Court of Appeal, protecting their client's right to pursue his claims in California notwithstanding the Delaware forum selection clauses contained in the multiple agreements between the parties. Both at the trial court and appellate levels, the parties extensively briefed the unique issue of whether enforcing the contractual choice of Delaware Court of Chancery, a non-jury trial court, would deprive California plaintiff's constitutional rights to a jury trial. After the Los Angeles Superior Court agreed with Bird Marella, holding that plaintiff's jury trial rights would be violated if the forum selection clauses are enforced to compel litigation in the Court of Chancery, defendants took the issue to the California Court of Appeal. Upon reviewing multiple briefs and motions filed in the writ proceedings, the Court of Appeal denied defendants' petition, upholding the Los Angeles Superior Court's ruling.