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EDUCATION

- Harvard Law School, J.D., cum laude (1995)
- Harvard University, A.B., magna cum laude (1991)

ADMITTED TO PRACTICE

- California, 1996

PAUL S. CHAN

PRINCIPAL

Paul S. Chan is the managing principal of Bird Marella. His practice focuses on the trial and arbitration of complex business disputes, including commercial fraud, class action, securities, and intellectual property litigations. Paul also represents companies and individuals in regulatory and parallel civil/criminal investigations. He has particular expertise litigating cases involving the False Claims Act, civil RICO statutes, unfair competition and theft of trade secrets. His clients include Fortune 500 corporations, major financial institutions, and emerging technology companies.

Paul has extensive trial experience. In over 20 years of practice, he has successfully tried numerous jury trials, bench trials, and binding arbitrations before both commercial and securities arbitration tribunals. He has been recognized as one of the “Best Lawyers in America,” a “Southern California Super Lawyer” by Los Angeles Magazine, and (previously) one of the “Best Lawyers Under 40” by the National Asian Pacific American Bar Association. He is also the former President of the Southern California Chinese Lawyers Association; a Member of the Board of Directors of Asian Americans Advancing Justice; and was named among the “2018 Most Influential Minority Attorneys” by the Los Angeles Business Journal.

EXPERIENCE

- Trial counsel for JM Eagle, the world's largest manufacturer of plastic pipe products, in an ongoing federal False Claims Act litigation pursued by over 45 intervening states and municipalities and a parallel class action involving claimed damages of over \$2 billion.
- Trial counsel for a large Taiwanese conglomerate and other lead defendants in a 34-defendant civil RICO, fraud and alter ego action, stemming from the alleged "bust out" of flat screen television company Westinghouse Digital Electronics. Plaintiff sought over \$80 million in trebled RICO damages. After successfully obtaining summary adjudication of certain claims and procuring victories on several key motions *in limine* on the eve of trial, the case was successfully resolved for a nominal amount.
- Trial counsel for the writers and creators of the television program "Will & Grace," in an entertainment accounting jury trial against NBC Studios. Plaintiffs alleged NBC Studios failed to license "Will & Grace" for fair market value, failed to pay proper profit participations, and engaged in fraud and self-dealing by licensing the program to its corporate parent, the NBC network. After a three month jury trial, the jury returned a \$49.5 million verdict in favor of the clients.
- Lead counsel for a global non-profit provider of AIDS/HIV healthcare, prevention services, and testing, in a high-profile False Claims Act lawsuit seeking eight-figure damages. Plaintiffs/relators alleged violations of the federal anti-kickback laws governing payments for patient referrals. Successfully moved to dismiss virtually all claims in the realtors' complaint, leaving only a very narrow category of "claims for payments" relating to literally two patients, with very modest accompanying exposure. Case resolved favorably thereafter.
- Represented former head of the luxury hotel division of Starwood Hotels and then Hilton Hotels, in a federal pre-indictment criminal investigation in the Southern District of New York involving the alleged theft of trade secrets and computer fraud, as well as a parallel federal civil case in the Southern District of New York. Helped obtain a no charge decision from the United States Attorney's Office, and a confidential resolution of the civil action.
- Litigation counsel for Mattel, Inc. Successfully prosecuted numerous trade secret theft, trademark, and copyright infringement actions involving the Mattel, Barbie and other iconic brands against competitors in the toy, stationary, cosmetics and apparel, and technology industries.
- Litigation counsel for Ranch 99 Supermarkets, the largest chain of Asian-foods grocery stores in the United States. Represent the company in a variety of litigation matters including employment defense and intellectual property disputes.
- Trial counsel for Charles Schwab & Co. in numerous trade secret misappropriation actions involving theft of customer information and client solicitation by a competitor. Pursue temporary and permanent injunctive relief actions against the company's competitors.
- Successfully represented a senior scientist at Bayer Healthcare in parallel civil and criminal actions involving alleged violations of the federal Computer Fraud and Abuse Act and the Economic Espionage Act. Obtained a no charge decision in the criminal investigation and civil action settled on favorable terms thereafter.
- Litigation counsel for KB Home and related entities in a putative state-wide class action relating to alleged mortgage and appraisal fraud in connection with the sale of residences, and a federal derivative litigation relating to Countrywide Financial. Case settled on favorable terms following successful opposition to class certification motion.
- Trial counsel for Cyntron Payroll Solutions, a leading provider of payroll software solutions, in a two-week jury trial involving eight-figure damages claims for breach of fiduciary duty, defamation, and intentional infliction of emotional distress brought by the company's former president. Obtained a complete defense verdict.
- Trial counsel for Mooney Farms, the nation's largest producer of sun-dried tomato products, in a jury trial concerning the fraudulent sale of

thousands of gallons of adulterated olive oil, following a recall conducted by the Canadian Food & Drug Administration. Obtained a substantial settlement for the client midway through trial.

- Lead counsel for Honeywell Inc. in a breach of contract, negligence, and fraud action stemming from alleged delays in the construction of a Beverly Hills surgical center. Successfully obtained summary judgment on all claims and order affirming the summary judgment on appeal.

PUBLICATIONS

- Co-Author, "FCA Claims After Escobar," *Daily Journal*, (Jan 28, 2019)
- Co-author, "When Civil Litigants Face Criminal Proceedings," *Law360* (January 7, 2019)
- Co-author, "The Far-Reaching New Domestic Injury Rule Under Civil RICO," *Law360* (June 29, 2017)
- Author, "Litigating Parallel Civil and Criminal Cases," *California Litigation*, Vol. 24, No. 3, 2011.
- Co-author, "Access Denied: The Impact of the Computer Fraud and Abuse Act on Employee Mobility," *Los Angeles Lawyer Magazine* (Cover feature, February 2006); also published in *The Computer and Internet Lawyer* (June 2006).
- Author, "The Hazards of Litigating in the Press," *California Lawyer Magazine* (December 2002)

EVENTS

- Speaker, *Rising Waters: Practical Tips on Making it Rain*, National Asian Pacific American Bar Association Annual Conference, November 2015
- Speaker, *Help! I Need to Develop Business Now*, California Minority Corporate Annual Business Conference, October 2015
- Speaker, *Ethics – Trouble Spots in FCA Litigation*, CLE International 2nd Annual Qui Tam Conference, October 2014
- Speaker, *Whistleblowers and the False Claims Act: What You Need to Know*, Practising Law Institute (PLI), 2012

- Speaker, *Taking Aim at the Foreign Corrupt Practices Act*, National Asian Pacific American Bar Association Regional Conference, 2012.
- Speaker, *The Tricks and Traps of Trade Secret Litigation*, California State Bar Litigation Section Webinar, June 2011
- Speaker, *Cyber Crimes in the New Economy*, National Asian Pacific American Bar Association Regional Conference, 2009
- Speaker, *Use of the Computer Fraud and Abuse Act in Employment Cases*, Annual Conference of the Labor and Employment Section of the California State Bar, 2006

FORMER POSITIONS

- Quinn Emanuel Urquhart Oliver & Hedges, Associate, 1996-1999
- Law Clerk to the Hon. Rudi M. Brewster, U.S. District Court, Southern District of California, 1995-1996

AWARDS/RECOGNITION

- Named one of the "2018 Most Influential Minority Attorneys" by the Los Angeles Business Journal
- Listed in Best Lawyers in America, Commercial Litigation, 2016 - present
- Named a "Southern California Super Lawyer" by Los Angeles Magazine and Law & Politics Magazine, 2012 - present
- Named one of the "Best Lawyers Under 40" by the National Asian Pacific American Bar Association (NAPABA), 2003
- Named a "Southern California Rising Star" by Los Angeles Magazine and Law & Politics Magazine, 2004 - 2010
- Fellow, Litigation Counsel of America

AFFILIATIONS

- Former President, Southern California Chinese Lawyers Association (SCCLA)
- Member of the Board of Directors, Asian Americans Advancing Justice
- Former Member, Executive Committee, Litigation Section of the California State Bar
- Former Member of the Editorial Board, California Litigation magazine
- Member, California Minority Counsel Program
- Member, American Bar Association
- Member, Los Angeles County Bar Association