

# ELLIS GEORGE CIPOLLONE

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## **Benjamin D. Scheibe**

**Partner**

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### **Education**

- University of California, Los Angeles Law School, J.D., 1981
- University of California, Berkeley, B.S., 1978  
Member, Psi Chi

### **Bar Admissions**

- California

### **Court Admissions**

- All California Courts

**Benjamin D. Scheibe** helped found Ellis George Cipollone O'Brien Annaguey LLP in 1985 and has been a Partner in the firm for 25 years. His work with the firm has involved a wide range of clients, from "mom and pop" entrepreneurs to such high profile clients as the Carnation Company, Guess, Inc., Emerson Electric Company, 99¢ Only Stores, Packard Bell, the California State Senate, and several individual State Senators, and has resulted in numerous published decisions, including *Weber, Lipshie & Co. v. Christian*, 52 Cal.App.4th 645, (1997); *Wilson v. Eu*, 1 Cal.4th 707 (1992); *Wilson v. Eu*, 54 Cal.3d 546 (1991); and *Watson v. California Fair Political Practices Commission*, 217 Cal.App.3d 1059 (1990).

Mr. Scheibe is a business litigator and trial attorney who concentrates his practice in the areas of business disputes, trade secret misappropriation, unfair competition, employment litigation, First Amendment law, and intellectual property rights.

Mr. Scheibe writes and speaks extensively on various business litigation-related issues, including questions of trade secrets, unfair competition, defamation, and the First Amendment.

### **Representations**

- Conducted three month trial of misappropriation of trade secret case, ultimately obtaining and defending on appeal judgment of over \$22 million.
- Defeated request for temporary restraining order and preliminary injunction in case alleging that the firm's client misappropriated customer information, resulting in favorable settlement.
- Obtained summary judgment of Probate Court petition challenging the actions of the trustees of a \$350 million trust.
- Used California's anti-SLAPP statute to defeat a claim of internet defamation against the firm's client and obtain a substantial award of attorney's fees against the plaintiff.
- Obtained arbitration award exceeding \$750,000 in a dispute over medical software licensing fees.
- Defended and obtained a favorable settlement (remedial action and a small charitable donation) of a wage and hour class action asserted on behalf of 30,000 retail employees.
- Obtained favorable settlements in wage and hour class actions involving limousine and restaurant industries while simultaneously defeating by summary judgment a companion wrongful termination claim by an alleged "whistleblower" in one of those cases.

## Practice Areas

- Business Litigation
- Employment Litigation
- Intellectual Property

## Speaking Engagements

- Speaker and Program Chair of Southern California Business Litigation Inn of Court (Program: "Lies I tell you! How Do I Deal with Anonymous Negative Internet Posts About Me?")
- Guest lecturer on defamation at the University of California at Berkeley, School of Law (Boalt Hall)
- Guest speaker on legal careers in the entertainment industry at the University of California at Berkeley, Center for Law and Technology
- Guest speaker on entertainment law at the USC Gould School of Law including its Topics In Entertainment Law, Motion Pictures Seminar

## Publications

- Project Coordinator and Co-Author of Chapters 3 ("Unfair Competition") and 4 ("Trade Secrets") of California Business Litigation, a two volume attorney's handbook written by members of the firm and published by California Continuing Education of the Bar.
- "The Admissibility of Indemnity Evidence in IP Litigation," Vol. 33, No. 1 New Matter, 22, 2008.
- "Sworn to Secrecy," Vol. 18, No. 3, *Los Angeles Lawyer* 40, 1995.
- "The Constitutional Defense of Opinion," Vol. 14, No. 2, *Los Angeles Lawyer* 36, 1992.
- "Whose Burden is it Anyway? Court of Appeals Clarifies Burden of Proof in Trade Secret Cases," October 2, 2003 *Los Angeles Daily Journal* 7.
- "Pretrial Protection: DVC Case Limits the Ability to Safeguard Trade Secrets," January 31, 2002 *Los Angeles Daily Journal* 7.
- "Longer Arm: Courts Have Jurisdiction if Internet Post Harms California Company," September 17, 2001 *Los Angeles Daily Journal* 7.
- "Inevitable Disclosure of Trade Secrets: A Competing View," Vol. 20, No. 4, New Matter 26.
- "Competing Views Regarding the Inevitable Disclosure of Trade Secrets," Vol. 21, No. 1 New Matter 44 (co-author Miles Feldman).
- "Star Alarm," *California Law Business*, April 19, 1999.

## **Affiliations**

- Chair of the Trade Secrets Standing Committee of the State Bar's Intellectual Property Section
- Past Chair and Vice-Chair of the American Bar Association's Committee on Intellectual Property, Tort and Insurance Practice Section
- Past Member, Board of Governors of the Association of Business Trial Lawyers; Board of Governors of the Beverly Hills Bar Association
- Member, Executive Committee of the State Bar's Intellectual Property Section