



## **COLIN D. DAILEY**

**Partner**

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## **BIOGRAPHY**

Colin's practice focuses on complex business litigation in state and federal courts. He regularly represents clients in the areas of consumer products, sports, banking, real estate, finance, websites, franchises, and mobile apps. He has achieved favorable judgments and settlement for his clients and successfully disposed of numerous lawsuits at the pleading stage and on summary judgment. He also regularly assists his clients resolve business disputes without the need for litigation. He is licensed in California and North Carolina.

Colin has been with the firm since he was a summer associate in the Los Angeles office. Prior to joining the firm, Colin was a judicial extern for the Honorable Rex Heeseman at the California Court of Appeals.

Colin also volunteers *pro bono* with a focus on assisting low income families, including by assisting with guardianship matters, child custody issues, and eviction defense.

Colin graduated from UCLA School of Law with an emphasis in business law, which included courses at UCLA Anderson School of Management. He was an active member of the Counseling Emerging Technology Companies clinic, providing legal assistance on formation, employment, intellectual property, and privacy issues to ten start-up companies for a well-known tech accelerator program in Santa Monica, California. In addition, he competed in the UCLA Mock Trial tournament and served two years on the board of the UCLA Real Estate Law Association. During law school, he also worked in business development at a mobile application development and strategy firm, and as a research assistant to an intellectual property scholar.

Before law school, Colin worked at a government affairs firm in Portland, Oregon, providing lobbying and campaign support to public organizations and Fortune 500 companies. He also spent a year managing online marketing for a financial news and commentary website. Colin graduated with honors from Willamette University with a bachelor's degree in politics with minors in economics and philosophy.

## CIVIC INVOLVEMENT & HONORS

- Best Lawyers: Ones to Watch in America™, Commercial Litigation, 2022 - 2025
- Super Lawyers, Rising Star, 2018 - 2023
- UCLA Law Firm Challenge (Fundraising Representative, 2013 - 2021)

## ADMISSIONS

- North Carolina, 2019
- California, 2013
- United States Court of Appeals for the Ninth Circuit

United States District Courts for the Central, Northern and Southern Districts of California

United States District Courts for the Eastern, Western and Middle Districts of North Carolina

North Carolina Business Court

## EDUCATION

University of California-Los Angeles, J.D., 2013

## RELATED CAPABILITIES

- Business & Commercial Disputes
- Private Client
- Tax & Private Client
- Class Actions & Mass Torts
- Telephone Consumer Protection Act (TCPA)
- Financial Services
- Consumer Fraud
- Insurance (Class Actions)
- Pharmaceutical & Medical Devices (Class Actions)
- Class Actions
- Litigation & Dispute Resolution
- Real Estate
- Real Estate Disputes
- M&A Disputes
- Intellectual Property & Technology Disputes
- Regulation, Compliance & Advisory

## EXPERIENCE

### PATENT AND OTHER INTELLECTUAL PROPERTY LITIGATION

- Represent consumer electronics company in successful patent infringement lawsuit filed against two competitors, resulting in final judgment in client's favor including permanent injunction. We obtained summary judgment that the accused products infringed our client's patent, and summary judgment disposing of the defendants' patent invalidity defense based on alleged anticipation. We also obtained favorable *Daubert* rulings striking portions of the other side's technical expert and damages expert reports. The defendants ultimately consented to the Court entering a final judgment in our client's favor including findings of patent validity, infringement, a monetary award, and a permanent injunction prohibiting the Defendants from selling importing or selling the infringing devices.
- Represent client in patent ownership litigation resulting in successful assertion of bona fide purchaser defense under 35 USC § 261 and the Court entering a final judgment that our client owns the patent.

- Defend patent owner in lawsuit filed by competitor asserting claims for declaratory judgment of patent invalidity and non-infringement. Following summary judgment rulings in our client's favor, the other side stipulated to the Court entering a final judgment in our client's favor on patent validity, infringement, and a permanent injunction. U.S. District Court, Central District of California.
- Defend global publisher in copyright and trademark litigations in multiple states.
- Represent manufacturer asserting claims against competitor for trade dress infringement, false designation of origin, false advertising, and unfair and deceptive trade practices in violation of the Lanham Act and the North Carolina Unfair and Deceptive Trade Practices Act. U.S. District Court, Western District of North Carolina.
- Represent manufacturer in lawsuit against competitor for false advertising and violation of the Lanham Act. U.S. District Court, Delaware.
- Represent trademark owner asserting claims for trademark infringement, false designation of origin, and unfair competition under the Lanham Act, cancellation of trademark registration under the Lanham Act, trademark infringement and unfair competition under North Carolina State common law and the North Carolina Unfair and Deceptive Trade Practices Act. U.S. District Court, Eastern District of North Carolina.

## **COMPLEX BUSINESS LITIGATION**

- Defend individual manager of private equity fund LLC against claims for breach of fiduciary duty related to intra-company transactions. After five years of litigation and a week-long jury trial, the jury returned a verdict of no liability. California Superior Court, Los Angeles County.
- Defend mobile phone mapping application provider against claims for wrongful death and loss of consortium based on allegations of faulty map directions leading to vehicle accident. North Carolina Superior Court, Wake County.
- Represent managers of North Carolina LLC operating as general partner of limited partnership overseeing investment related to EB-5 Immigrant Investor Program against direct and derivative claims for breach of fiduciary duty and breach of contract. North Carolina Business Court.
- Represent insurance brokerage in lawsuit for trade secret misappropriation filed against departing employees and their new employer. North Carolina Superior Court, Guilford County.
- Represent special servicer filing claims against borrower and guarantor on commercial property loan, resulting in appointment of receiver to manage the property, a successful

judicial foreclosure, and an award of attorneys' fees in our client's favor. Delaware Court of Chancery.

- Represent purchaser of commercial jet in lawsuit asserting claims against jet broker and purchase agent for breach of fiduciary duty. U.S. District Court, Eastern District of North Carolina.
- Represent individual managers of LLC overseeing real estate investments in downtown Los Angeles against derivative lawsuit filed by LLC members asserting claims for breach of fiduciary duty. California Superior Court, Los Angeles County.
- Defend e-commerce company against complaint for injunction and civil penalties filed by State of Indiana. Resulted in settlement on favorable terms without admission of liability.
- Defend medical research organization against breach of contract claims brought by donor who wanted to rescind multi-million dollar grant. Favorable settlement reached without litigation by using mediated settlement conference.
- Defend provider of national fitness program and competitions in lawsuit filed by competitor who was disqualified following failed drug test resulting in dismissal of the lawsuit.
- Defend national bull riding organization in lawsuit filed by volunteer who sustained traumatic head injury resulting in dismissal of action. California Superior Court, Riverside County.
- Defend financial institutions against consumer suits alleging fraud, negligence, breach of contract, interference with economic advantage, unfair competition, and statutory violations.
- Represent national food products and services provider in multiple UCC and breach of guaranty lawsuits in California and North Carolina, obtaining favorable settlements before motion practice.
- Represent CMBS special servicer in foreclosing on commercial properties in North Carolina and Delaware following borrower defaults on multi-million dollar loans.
- Defend hotel franchisor against premises liability personal injury actions.

## **CLASS ACTION DEFENSE**

- Defend e-commerce company against multiple class action complaints filed in U.S. District Courts for the Western District of North Carolina and Western District of Wisconsin asserting claims related to credit card data breach. Resulted in court-approved class settlement on favorable terms with no admission of liability.

- Defend dating app against putative class action alleging statutory violations and unfair competition related to paid subscription auto-renewals, resulting in dismissal with prejudice. U.S. District Court, Southern District of California.
- Defend financial institutions in nationwide class action alleging more than \$1 billion in damages regarding home appraisals. Resulted in court-approved class settlement on favorable terms. U.S. District Court, California District of California.

## APPELLATE WORK

- Presented successful oral argument at the Ninth Circuit Court of Appeals in lawsuit defending financial institution in claims alleging wrongful retention of insurance proceeds after a fire destroyed the real property that provided security for the loan. The District Court granted our motion for judgment on the pleadings as to certain claims and a motion to dismiss as to all remaining claims. Following oral argument, the Ninth Circuit affirmed in our client's favor.

## CONTRACTS AND GENERAL BUSINESS

- Represent companies in negotiation and purchase of patents and other intellectual property from third parties.
- Advise companies regarding negotiating and drafting commercial contracts and licensing agreements.
- Advise companies regarding entity formation and protecting intellectual property rights.

## LEGAL OPERATIONS & LITIGATION PORTFOLIO MANAGEMENT

- Oversaw litigation, budget, workflow, and document management strategy of six-attorney team handling portfolio of 50+ California lawsuits. Calculate flat fee, quarterly, and hourly budgets, risk-weighted exposure, and optimal settlement points in more than 100 cases.

## RELATED INSIGHTS

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