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## Jan Nielsen Little



nationally respected white-collar criminal defense attorney, Little also represents executives and corporations in high-risk, complex civil litigation.

Recently, she successfully wrapped up six years of tangled, multi-state litigation against billionaire venture capitalist Vinod Khosla. "It was a long slog," she said.

Khosla, the co-founder of Sun Microsystems Inc., had invested heavily in a cleanenergy biofuels startup called KiOR Inc. that failed. Investors, including the state of Mississippi, sued the company, Khosla and other insiders. Hood ex rel State of Mississippi v Cannon, 1:15-cv-17, (Hinds Circ. Ct., filed Jan. 13, 2015).

Little had gotten all claims against Khosla dismissed with prejudice from a similar lawsuit in Texas in 2016.

But Mississippi's lawsuit went through five versions of the complaint and three trips to the state Supreme Court before it settled in a daylong, virtual mediation in January.

Little said the mediation went amazingly well. "We had lawyers from Massachusetts, California, Mississippi, Texas, all over the country," as well as 17 defendants, she said.

She is generally pleased about how well 0277 (N.D. Cal., filed Jan. 25, 1993)

virtual gatherings have gone this year. Little said she appeared for court hearings in Delaware and Mississippi and argued important motions in Texas and California, as well as client meetings across the country.

Virtual hearings in a large antitrust case have gone well, too. A Florida appellate court affirmed Little's victory in the case last year, and now she is seeking attorneys' fees and costs. *Weisman v. Southern Glazer's Wine & Spirits*, 4D17-3734, (Fla. App. 4th Dist., May 13, 2020).

"You just put in your pleadings, had your arguments, and it worked just fine," she said about the fee hearings.

Little also represents high-level clients in a half-dozen criminal investigations she can't discuss. Some of those matters have been more challenging online.

One client interview and conference with a regulatory agency was especially hard. "We couldn't be in the same room with [the client] and couldn't step out and confer," she said.

She also continues to seek federal habeas corpus relief for a death row prisoner. The pandemic has made that more difficult as well. *Price v. Davis*, 4:93-cv-0277 (N.D. Cal., filed Ian. 25, 1993)



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Practice Type:

White Collar Defense, Complex Civil Litigation

"The sad part is I haven't been able to visit him," Little said. "We've had to just communicate by letters, which slows things down a lot."

- Don DeBenedictis

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## Rachael E. Meny



eny advises technology companies on issues surrounding conflicts when employees are hired from, or are departing to, competitors.

Her last pre-pandemic in-person courtroom experience was in March 2020, when she returned to Boston for closing arguments in 10X Genomics' patent claims against a rival company owned by a Harvard College professor.

"We managed to squeeze that trial in just in time, before Covid fully hit," Meny said.

The judge ruled in Meny's client's favor in July in the declaratory judgment case, finding that 10X is the exclusive licensee to the biotech patent rights at issue covering droplet-based microfluidics used in single-cell sequencing technology. *10X Genomics Inc. v. 1CellBio Inc.* et al., 2018-03355-BLS1 (Suffolk Co. Super. Ct., filed Oct. 18, 2018).

10X alleged that Harvard and 1CellBio violated the conditions of a license agreement by issuing a co-exclusive license to the defendant and 1CellBio.

An appeal has been docketed, but 1Cell-Bio has filed for bankruptcy protection, stalling further litigation, Meny said.

Meny and law partner Robert Van Nest serve as co-lead counsel for Google in arbitration claims against former Google employees Anthony Levandowski and Lior Ron, alleging they breached their contracts and legal duties to Google by taking their autonomous vehicle knowhow to Uber Technologies Inc. The arbitrator's \$179 million final award was confirmed in San Francisco County Superior Court in March 2020. The award remains tied up in Levandowski's bankruptcy proceedings.

Meny noted that former President Donald Trump's pardon of Levandowski's trade secret conviction does not affect the civil judgment she is pursuing. "We continue to litigate whether Uber," which bought Levandowski's self-driving truck startup Otto for a reported \$680 million, "has to indemnify Mr. Levandowski for the judgment," Meny said.

- John Roemer



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Practice Type: Litigation