

## Top Verdicts

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### TOP PLAINTIFFS' VERDICT BY DOLLAR

## Google LLC v. Levandowski et al.



Photo courtesy of Gary Wagner Photography

LEFT TO RIGHT, THOMAS E. GORMAN, REID P. MULLEN, MOLLY C. VILLAGRA, ROBERT A. VAN NEST, RACHAEL E. MENY, BENJAMIN W. BERKOWITZ AND JENNIFER A. HUBER

In a major arbitration over self-driving vehicle technology, plaintiff Google LLC sought to hold former employees Anthony Levandowski and Lior Ron accountable for alleged breaches of contract and unfair competition. Levandowski worked on Google's engineering team for LIDAR sensors for the project now known as Waymo. He and Ron founded self-driving truck startup Otto and sold it to Uber Technologies Inc. in 2016 for a reported \$680 million.

Following a two-week hearing, a JAMS panel awarded Google \$127 million, with certain amounts against the defendants individually and certain

amounts against them jointly and severally. The case was separate from Levandowski's criminal indictment for trade secret theft. The award is likely to increase as interest accrues until it is made final. *Google LLC v. Levandowski*, 1100086069 (JAMS San Francisco, filed Oct. 28, 2016).

Google's lead lawyers, Robert A. Van Nest and Rachael E. Meny of Kecker, Van Nest & Peters LLP, said the panel conducted the hearing like a trial. "We had to get evidence from third parties like Uber and associates of Levandowski's like his CPA and lawyers," Van Nest said, "so we got the panel to issue and enforce 16 subpoenas. The other side

fought us tooth and nail, but our factual record allowed us to win with overwhelming evidence."

Meny, who cross-examined Uber co-founder Travis Kalanick, said the situation was unusual. "We had to use adverse cross to put on the evidence we needed. Across the board, it was difficult for the third party witnesses to admit their role in what we believed was problematic behavior. They were never really willing to be open until we asked our pointed questions. Ninety percent of our evidence was live."

Levandowski's lead lawyer, I. Neel Chatterjee of Goodwin Procter LLP, did not respond to a request for comment.

### case INFO

**Arbitration, breach of contract, unfair competition**  
**JAMS, San Francisco County**  
**Retired Judge W. James Ware, Alexander L. Brainerd, Retired Judge Read Ambler, as neutrals**  
**\$127 million**

#### Plaintiff's lawyers:

Keker, Van Nest & Peters LLP, Robert A. Van Nest, Rachael E. Meny, Benjamin W. Berkowitz, Jo W. Golub, Jennifer A. Huber, Reid P. Mullen, Thomas E. Gorman, W. Hamilton Jordan, Molly C. Villagra

#### Defense lawyers:

Goodwin Procter LLP, I. Neel Chatterjee, Brett M. Schuman; Baker Botts LLP, Jonathan A. Patchen, Cheryl A. Cauley (formerly at Taylor & Patchen LLP - now defunct)

Chatterjee also represented Levandowski in the trade secret lawsuit pitting Waymo against Uber. After that trial which resulted in a \$245 million settlement, Chatterjee told the Daily Journal, "That one stands out just because of the complexity of the case, the high-profile nature of it, all the moving parts that we're going on and continue to go on."

—John Roemer