

Counsel, Palo Alto

Litigation



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Education

J.D., New York University School of Law, 2011

B.A., University of Chicago, 2006

Bar Admissions

California

Caroline Van Ness' practice focuses on commercial civil litigation, often involving intellectual property, product liability, contract and competition issues. She has a diverse client base and represents corporations and their officers in industries including technology, automotive and consumer goods. Ms. Van Ness has secured successes for her clients in individual litigations, business disputes, and government enforcement proceedings. Her experience spans the trial court and appellate levels, and includes considerable experience in plaintiff-side commercial litigation.

Ms. Van Ness' experience includes the following select representations:

- Standard Industries and GAF Energy in trade secret misappropriation litigation brought by SunPower Corporation, defeating a request for preliminary injunctive relief and securing orders holding SunPower's trade secret designation to be inadequate;
- Accuworx USA and Accuworx West in defeating a temporary restraining order in trade secrets and unfair competition litigation brought by Patriot Environmental Services;
- CashCall, Inc. and its CEO in an action brought by the Consumer Financial Protection Bureau (CFPB) involving a novel theory of liability under the Consumer Financial Protection Act. After a bench trial, the court rejected the CFPB's demand for \$253 million in restitution and injunctive relief, and awarded the minimum statutory civil penalties. This case was selected by the *Daily Journal* as one of its Top Defense Verdicts of 2018;
- a transportation infrastructure company bringing an action for breach of fiduciary duty by a former executive, including successfully defeating an anti-SLAPP motion and securing a sanctions award against the defendants of over \$61,000;
- the co-founder and CEO of Krux Inc. in securing complete dismissal of an action alleging fraud in connection with a stock sale;
- Intuitive Surgical Inc. with respect to products liability litigation in California, including securing summary judgment on statute of limitations grounds;
- CytRx Corporation and its directors and officers in multiple state and federal securities class actions and derivative actions, and an SEC investigation;
- the former CEO of Qualstar Corporation in litigation alleging breaches of fiduciary duties; and
- Toyota Motor Corporation and Toyota Motor Sales, U.S.A., Inc. in the first Judicial Council Coordinated Proceeding economic loss bellwether trial.

Ms. Van Ness also maintains an active *pro bono* practice, including representing:

- two deaf plaintiffs in an action against a hospital alleging failure to provide qualified interpreters in violation of the Americans with Disabilities Act (ADA). The litigation prompted an investigation by the U.S. Department of Justice and resulted in a global settlement requiring that the hospital provide effective communication to the deaf and hard of hearing, as well as employee training on ADA compliance;
- a prisoner alleging Section 1983 claims before the Ninth U.S. Circuit Court of Appeals, obtaining partial reversal; and
- tenants of a residential hotel located near Skid Row in Los Angeles in an action against the building's owner alleging violations of housing and civil rights laws. The settlement, reached days before trial, provided plaintiffs with substantial monetary compensation and comprehensive injunctive relief.