

Haynes and Boone Secures a String of 9th Circuit Appellate Wins

May 16, 2018 David Clark, Christina Crozier, Tamara Devitt, Matthew Costello

PRACTICES Appellate

Haynes Boone appellate teams led by Partner M.C. Sungaila secured three wins in cases argued over three consecutive months before the 9th U.S. Circuit Court of Appeals.

These are the cases:

Fierro v. Smith, et al. (No. 17-15288): Sungaila and Associate Marco Pulido, together with Loyola Law School Los Angeles Professor Paula Mitchell, served as appointed pro bono appellate counsel to a prison inmate pursuing federal civil rights claims against Arizona state prison officials. They were appointed to the case in connection with Sungaila's work as an adjunct professor in Loyola's Ninth Circuit Clinic. Prison officials denied the inmate's multiple requests for protective custody even though the inmate meticulously reported threats and assaults from a well-known security threat group within the prison. In an interlocutory appeal, an appellate panel on April 27 affirmed a U.S. District Court order denying the prison officials' motion for summary judgment on qualified immunity grounds, thereby allowing the inmate to proceed to a trial on the merits.

Kaul, et al. v. Mentor Graphics Corp. (No. 16-17139): In a case involving breach of fiduciary duty claims, a Haynes Boone team of Sungaila, Partners Polly Fohn and Mark Erickson and Associate [David Clark](#) persuaded the appeals court to affirm a take-nothing judgment dismissing the claims against firm client Mentor Graphics without leave to amend. The outcome of the appeal turned largely on the enforceability of a Delaware choice-of-law provision. The 9th Circuit panel, ruling on April 16, adopted Mentor Graphics' position that, regardless of whether there are differences in the scope of a majority shareholder's fiduciary duties in California and Delaware, those differences do not rise to the level of a fundamental policy that would merit invalidating a freely negotiated choice-of-law provision.

Ridgeway v. Nabors Completion & Production Services Co. (No 15-56673): Sungaila and Counsel [Christina Crozier](#), along with Haynes Boone trial team members Partner [Tamara Devitt](#) and Associate [Matt Costello](#), represented Nabors Completion & Production Services Co. in a case involving labor-related wage and hour claims. The team persuaded the 9th Circuit panel to reverse a district court order denying a motion to compel arbitration. The appeals court on Feb. 13 found that the district court erred in concluding that several provisions in the arbitration agreement were unconscionable. The panel also held that the plaintiffs' claims brought under the Private Attorneys General Act could be arbitrated.