



MARK ERICKSON

Partner

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PRACTICES: Litigation, Real Estate Litigation, Fiduciary Disputes, Media and Entertainment Litigation, Healthcare and Life Sciences

ORANGE COUNTY

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EDUCATION AND CLERKSHIPS

- J.D., University of California, Hastings College of Law, 1982
- B.A., University of California, Davis, 1979

ADMISSIONS

- California

COURT ADMISSIONS

- U.S. District Court for the Central District of California
- U.S. District Court for the Northern District of California
- U.S. District Court for the Southern District of California
- U.S. District Court for the District of Arizona

Mark Erickson has been solving business disputes through litigation, arbitration and mediation for more than 35 years, handling a wide range of sophisticated commercial and real estate litigation, including contract, trade secrets, healthcare law, and business governance and dissolution disputes. He honed his trial skills with a diverse practice that began with the Army Judge Advocate General's Corps. Mark then joined Latham and Watkins where he developed a significant portion of his current client base. Mark was later one of the founding partners of Dubia, Erickson & Tenerelli, a litigation boutique where he practiced for 16 years.

A leader in the local bar and community, Mark is currently the president of the Orange County Bar Foundation, helping to make a difference in the lives of disadvantaged families in Orange County. Mark is also a past president of the Orange County chapter of the Association of Business Trial Lawyers, one of the most prestigious attorney bar groups in the state. Mark is also the immediate past president of the board of directors for Public Law Center, Orange County's pro bono legal services organization. Years ago, Mark led a Haynes and Boone impact litigation team in a housing discrimination case that resulted in meaningful affordable housing for Orange County residents. In 2019, Mark was awarded the Marcus Kaufman Jurisprudence Award by Anti-Defamation League for his career of community service and dedication to helping those in Orange County who need help the most.

Mark is involved in Haynes and Boone leadership in a number of firm committees and is the Hiring Partner for the Orange County office.

Selected Client Representations

- Obtained dismissal in District Court of noncompete claims by sales agent against service provider based on Business and Professions Code section 16600.
- Represents publicly traded data storage company in contract and business tort claims.
- Represents publicly traded manufacturer of pharmaceuticals and medical devices in commercial disputes nationwide.
- Obtained dismissal in federal court of breach of fiduciary duty claim by minority shareholder against publicly traded corporation, upheld on appeal at 9th Circuit.
- Litigated numerous corporate governance disputes of partnerships, limited liability companies, and closely-held corporations.
- Represents large Orange County developer in prosecution and defense of large scale

- U.S. Court of Appeals for the Ninth Circuit
 - construction defect claims.
 - Represents publicly traded biomedical instrument company in Uniform Commercial Code and other contract disputes.
 - Obtained successful result in jury trial of complex construction delay dispute.
 - Obtained eight-figure settlement for plaintiff on eve of trial in construction defect case involving large apartment complex.
 - Represented foreign window wall manufacturer in successful resolution of construction delay claims and related litigation.
 - Represented insurance broker in successful defense at trial of commission claims by former employee.
 - Represented REIT in successful recovery of losses from FDIC associated with breach of real estate contract.
 - Represented private club/luxury hotel in successful resolution of multi-million dollar construction cost overrun claims by general contractor.
 - Represented Newport Beach Country Club in summary judgment victory over member group asserting right of first refusal to purchase club. Subsequent appellate opinion affirming the judgment below is the most cited California case on parol evidence (Founding Members etc. v. Newport Beach Country Club Inc. (2003) 109 Cal.App.4th 944).
 - Obtained multi-million dollar judgment at trial against golf store franchisor under California Franchise Investment Law for deceptive and misleading representations to franchisee.
 - Successfully negotiated mid-trial resolution of claim for breach of stock purchase agreement in connection with sale of Orange County landmark company.
 - Represented small avionics corporation in successful resolution of antitrust and unfair competition claims in federal court against publicly traded aerospace company.
 - Obtained summary judgment for Japanese automobile manufacturer on claim by dealer for breach of dealer agreement and fraud.
 - Represented publicly traded company in successful resolution of employee claim to DFEH for retaliatory firing under Sarbanes-Oxley Act.
 - Successfully negotiated settlement of nationwide class action against business broker for use of unlicensed brokers.
 - Settled \$4 million breach of fiduciary duty claim against business broker mid-trial for less than remaining cost of defense.
 - Represented prescription benefit processing company in defense of claims for millions of dollars of unreimbursed prescriptions, resolving litigation on a reasonable basis following massive document discovery across several states.
 - Represented electrical control division of publicly traded company in successful resolution mid-trial of claim for unfair trade practices and secret rebates.

Professional Recognition

- Selected by the Orange County/Long Beach region of the Anti-Defamation League to receive the 2019 Marcus M. Kaufman Jurisprudence Award
- Recognized in *The Best Lawyers of America*, Woodward/White, Inc., in Commercial Litigation, 2013-2020, Litigation - Real Estate, 2020

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- Martindale Hubbell® Law Directory AV® Peer Review Rating since 1995
 - Received the Wiley W. Manuel Certificate for Pro Bono Legal Services, State Bar of California, 2016

Professional and Community Activities

- Board of Governors, Past President, Association of Business Trial Lawyers Orange County Chapter
- President, Public Law Center, Orange County Pro Bono Legal Service Organization
- President-Elect, Orange County Bar Foundation
- Member, Business Litigation Section, Orange County Bar Association
- Member, Litigation and Antitrust Sections, California Bar Association