



SHAWNA L. BALLARD

Partner and Chief Legal Officer | Silicon Valley

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EDUCATION

J.D., *summa cum laude*,
University of Arizona James E.
Rogers College of Law (1991)

B.A., Zoology, *Phi Beta Kappa*,
Arizona State University (1988)

CLERKSHIP

The Honorable
Harlington Wood
U.S. Court of Appeals
for the 7th Circuit

COURT ADMISSIONS

California
7th Circuit Court of Appeals
Various District Courts

Shawna Ballard is a trial lawyer with decades of complex trial, arbitration, mediation, and litigation experience. Shawna is known for her ability to develop cohesive and effective case strategies in complex, multi-faceted cases. She is a co-founder and Chief Legal Officer of the Firm.

Recognized among *Lawdragon's* 500 Leading Litigators in America, Shawna's broad-based experience encompasses a wide array of disputes regarding industrial, energy and real estate contracts, financing arrangements, corporate acquisitions and restructurings, patent infringement, securities investments, false advertising, fraud, unfair competition, trade secrets, director and officer liability, trusts and fiduciary duties. *IAM Patent 1000* also recognizes Shawna for her intellectual property experience with sources praising Shawna as "an astute strategist who sees the big picture and handles multifaceted cases with dexterity."

Notably, Shawna was on the trial team that secured an award-winning \$236 million willful infringement jury verdict for Densify against VMware. The firm also received the "Turnaround Award" from *The M&A Advisor* based on Shawna's successful negotiation of a favorable settlement for Reynolds Metals Company (an Alcoa Corporation affiliate) in litigation brought by Gregory Powers Partners.

Representative Matters

- Procured a \$236 million willful patent-infringement jury verdict for Densify against VMware following a nine-day trial in the District of Delaware—a verdict recognized in *The National Law Journal's* 2021 "Verdicts Hall of Fame" (7th largest verdict in past five years) and 2020 "Top 100 Verdicts" (8th largest verdict in the U.S.).
- Procured an \$84 million willful patent infringement verdict on behalf of Cirba, Inc. against VMware following a five-day jury trial in the U.S. District Court for the District of Delaware.
- Obtained a total judgment of \$27 million plus post-judgment interest for Droplets against Yahoo after a three-week jury trial resulted in a \$15 million verdict and post-trial rulings resulted in an award of \$12 million in post-judgment interest.
- Represents Kove in patent litigation against Amazon Web Services relating to patents covering foundational technology.
- Represented Alcoa USA Corporation in temporary injunction and damages litigation brought by Luminant Generation Company stemming from the parties' decades-long relationship at a 30,000-acre industrial site in Rockdale, Texas. Successfully fended off Luminant's motion for temporary injunctive relief.
- Represented Reynolds Metals Company (an Alcoa Corporation affiliate) in bankruptcy litigation brought by Gregory Powers Partners involving a co-generation facility in Gregory, Texas. The successful litigation strategy resulted in a favorable settlement that led to the "Turnaround Award" from *The M&A Advisor*.

- Member of arbitration trial team that represented a Fortune 100 company in an arbitration related to the sale of a branded credit-card portfolio. Procured a favorable settlement after opening statements.
- Member of trial team for an operating company in patent infringement litigation against Nest involving patented proximity-detection technology. Procured a favorable settlement hours before jury selection.
- Represented a large pharmaceutical company in Lanham Act litigation brought by Elanco (an ELI Lilly subsidiary) involving flea, tick and heartworm protection products.
- Represented numerous large investment funds in actions against Wall Street investment banks in connection with the purchase of more than \$1 billion in Enron and Enron-related securities. Procured settlements after prevailing on key court rulings.
- Represented numerous large investment funds in actions against Bank of America in connection with private placements of nearly \$1 billion in securities sponsored and guaranteed by Parmalat S.p.A. Procured favorable settlements.
- Successfully defended the president of First State Bank & Trust against breach of trust, breach of fiduciary duty and related claims.
- Defended a regional bank in a case brought by Four Star investors accusing the bank of aiding and abetting a ponzi scheme. After prevailing on successive demurrers, procured a favorable settlement.
- Defended the founder of Priceline® in a securities class action. Settled on favorable terms.
- Represented investment funds in California state court securities cases against Wall Street investment banks to recover losses relating to investments in a failed Thai steel plant. Procured favorable settlements after successful pre-trial rulings.
- Member of arbitration trial team for the developer Maguire Properties in several cases about the financing and development of Playa Vista in Los Angeles.
- Represented the Creditor's Committee in the bankruptcy proceedings for Trenwick America regarding potential litigation claims stemming from corporate restructuring transactions.
- Represented the bankruptcy estate for SmarTalk Teleservices in litigation with Fletcher Asset Management regarding Fletcher's pre-petition investment of approximately \$30 million in SmartTalk. Procured a favorable settlement after prevailing on a key motion.
- Defended a former director of a Merck affiliate in an SEC civil enforcement insider-trading case relating to merger and spinoff transactions with Merck.
- Represented Paragon Homes, a developer, in a two-month jury trial against FN Bank (its financing partner).

Awards & Recognition

- *Lawdragon* 500 Leading Litigators in America for Commercial, Intellectual Property, Securities, and Financial Litigation
- IAM Patent 1000: The World's Leading Patent Practitioners (California)
- Outstanding Senior Award (University of Arizona James E. Rogers College of Law)
- Order of the Coif
- Order of the Barristers

Professional & Community Activities

- Deans Economic Counsel and Board of Visitors, University of Arizona James E. Rogers College of Law