

# Daily Journal

OCTOBER 7, 2020

## TOP TRADE SECRETS LAWYERS 2020

### Brent Caslin

**C**aslin co-founded Jenner & Block's Los Angeles office in 2009 and now serves on the leadership team for the firm's complex commercial litigation practice. He is co-chair of the trade secrets and restrictive covenants practice.

The coronavirus restrictions have grounded him for now. "I was a member of the Delta Diamond Club, but oddly I don't miss it," he said. "The silver lining for me was that I rehabbed my office over the garage, added a TV and better wi-fi and improved my relations with my family. It's been a nice break."

In late August Caslin got a significant affirmation in a case he investigated and pursued for client Epic Systems Corp. A federal appellate panel upheld a \$280 million award in a case accusing an India-based consulting firm of stealing Epic's health care software. *Epic Systems Corp. v. Tata Consultancy Services Ltd.*, 19-1528 and 19-1613 (7th Cir., op. filed Aug. 20, 2020).

The judgment was reduced from a Wisconsin jury's \$700 million punitive damages award, but "we kept every dollar of the actual damages, even though the court found the punitives a little excessive," Caslin said. "We're ecstatic."

The original verdict followed a 10-day trial. It represented one of the largest trade secrets outcomes by dollar amount in U.S. history and likely the largest verdict of any kind in Wisconsin, Caslin said. The appellate panel said Tata used the data it stole in an attempt to enter the U.S. health record software market. Caslin credited colleagues

Rick L. Richmond, Nick G. Saros, Julie Ann Shepard and Michael T. Brody with helping achieve the successful result.

Separately, Caslin recalled a Midwest blizzard winter before last that left him sleeping overnight in an airport as he ventured to central Michigan to interview witnesses in a case for a Japan-based power transmission manufacturer that had purchased a U.S. company, only to accuse its new acquisition of willful misconduct including trade secrets misappropriation. *US Tsubaki Holdings v. Estes*, 651597/2019 (S.Ct. N.Y., Co. of N.Y., filed April 15, 2019).

Caslin obtained a temporary restraining order and preliminary injunction against four persons who sold the U.S. company to his client. Then the virus brought the case to a standstill. "The injunction benefits our client while we wait for things to get going again," he said.

"Could we have done our job during Covid without going to Michigan and enduring all that terrible weather? It would be more challenging. It's often important to look witnesses in the eye. Some told us the truth in ways they might not have done over Zoom."

Caslin added that beyond the plaintiff-side cases he's won, he is proud of the non-headline-making defense work he and the firm do. "When a good company is accused of doing something wrong, we investigate quickly and resolve the matter as soon as possible. If our client made a mistake, it's best to own up to it and move on."

— John Roemer



FIRM:

**Jenner & Block LLP**

CITY:

**Los Angeles**

PRACTICE TYPE:

**Complex commercial  
litigation**

