

# **Representative Cases for Michael D. Young**

Mike Young has mediated cases for over 20 years, employing creative techniques and exploring creative solutions that even parties themselves hadn't contemplated. Many of these cases involve cultural impediments or highly emotional contexts. Others involve disputes in his focus of intellectual property, labor and employment, environmental, and business conflicts. The following are examples of a few of Mr. Young's more recent matters.

## **Wage And Hour Class Actions**

Mike has mediated countless wage and hour, and other employment/contractor class action disputes. Some have involved simple questions of missed meal and rest breaks, questions over proper time recording, or alleged pay stub violations. Others have involved disputes over whether the workers were independent contractors or employees. Still others have involved questions of proper classifications.

## **Dissolution Of Businesses**

Mike has mediated a number of cases involving the dissolution of businesses and partnerships. Most of these have involved highly emotional situations akin to a divorce. Some of the business disputes have been between family members, with the business dissolution masking a more fundamental breakdown in the family relationship. One involved a dispute between a partner and his former partner's widow, which required lengthy follow-up assistance to work through the complicated transactions required to implement the complex settlement (which included stock transfers, real estate security, and new leases). Mike has been able to navigate the difficult undercurrents in all of these cases, help the parties and counsel engage in constructive dialogues, and eventually find the elusive "win-win" settlements.

## **Single Plaintiff Employment Disputes**

Mike has mediated innumerable single-plaintiff employment disputes involving all aspects of employment law, from pregnancy to disability to race and religion discrimination and harassment, as well as matters involving alleged sexual misconduct. In one simple example, a young woman complained of sexual harassment by a temporary manager. When the company investigated, it agreed that inappropriate comments had been made, and terminated the manager's employment. The primary dispute was over the "value" of alleged emotional distress damages. However, under the surface, the dispute was over the woman's belief that the company did not value her services and took too long to respond to her complaint. Mike was able to surface this impediment to settlement, and found a creative way to address it. With that issue addressed, the parties were able to reach agreement on an amount necessary to settle the lawsuit.

## **Trademark Infringement/Business Dissolution**

The owners of a famous mark were in a dispute with a licensee over the terms of the license, the licensee's satisfaction of its obligations to grow and promote the mark, related trademarks allegedly registered without authority by the licensee, and the future



direction of the products. Added to the complexity was the existence of a multi-national corporation who was purchasing the company owning the mark and exerting influence behind the scenes. As an added layer, a father was on one side of the dispute; his son was on the other. After a number of in-person sessions, and countless telephonic sessions, including some creative suggestions for handling existing product, Mike was able to assist the parties resolve the entire case to all parties' satisfaction.

### **Patent Case**

A dispute over a systems patent involving computer technology had been in litigation for some time before coming to mediation. In mediation, it became clear that the business leaders of the two parties were each interested in finding a business solution. With permission of all involved, including the attorneys, Mike took the two business leaders to a private lunch. A deal was struck by the time the bill arrived.

### **Trade Secrets**

Because of Mike's long history in trade secret litigation, the parties in an on-line auction trade secret dispute hired Mike to serve as arbitrator. The arbitration raised difficult discovery issues over the disclosure of alleged trade secret matter to business rivals, which Mike oversaw and resolved. In another matter, parties involved in the development of equipment used in the entertainment industry retained Mike to arbitrate their trade secret, copyright, and contract disputes.

### **Pre-litigation Employment Dispute**

A law firm and a former employee met with Mike before any formal claims had been filed to see if they could find an early resolution to what was becoming a major and expensive lawsuit. The mediation was complicated by the fact that neither side really understood the contentions of the other, and no discovery had been shared so that each side came to the mediation somewhat in the dark. It took nearly 17 hours, and some controlled joint sessions to help ensure each side understood the other, before a settlement was reached. While pre-litigation mediation is difficult at times, both parties were pleased with the result.

### **Business To Business Disputes**

Mike has handled countless disputes between business, often involving business torts as well as commercial, UCC, trademark, and other issues. In one recent example, claims were made by a solar panel producer that the parts used in the production of the panels were not made to specification. Mike was able to help the parties work through the legal and factual issues, and address the past and potential future business dealings, to find a solution both parties preferred to continued litigation.

### **Business Fraud/Misappropriation**

The parties, former agent/principal, were accusing one another of all manner of business and personal torts, among other misdeeds. One party accused the other of misappropriating over a half million dollars; while the second accused the first of breaching various contracts and other informal promises. Most of the principals were Japanese, and there was a related action between the parties pending in Japan. Mike was



able to address the cultural issues and the tricky legal dynamics to help the parties, with a little creativity, negotiate a final resolution.

### **Environmental/Public Policy**

The dispute involved the ability of a municipality to impose employment regulations on truckers as part of a clean-air regulation. Participants included a city, a trucking organization, environmental groups, and employers. Significant public policy issues were at stake, as well as political issues, and financial impacts to employers, workers, and municipalities.

### **Environmental/Groundwater Contamination**

A county water district was involved in a longstanding lawsuit against approximately 50 defendants whose historical operations were alleged to have contributed to massive soil and groundwater contamination. In a series of individual mediations, Mike was able to work agreements with a large number of the defendants, including insurers, resulting in some cash outs, and some accepted negotiated remediation efforts.

### **Patent Case**

A dispute arose between a doctor/inventor of specialized surgical tools and the company that had purchased the right to patent and commercialize the inventions. A certain amount of personal pride was involved as well as questions regarding motives and alleged secret agendas. Mike was able to surface and then navigate around these issues, help the parties explore additional business matters they could bring to the table, and ultimately find a business solution that allowed for the resolution of the lawsuit.

### **Patent Case**

Owners of a design patent covering wheels brought a claim against an alleged infringer. Mike was able to utilize the business realities to help the parties fashion a solution to end the dispute and protect the parties going forward.

### **Copyright/Trademark in Fashion Industry**

Mike has mediated a number of disputes involving copyrighted fabric designs, and disputes over trademarked and counterfeit products in the fashion industry.

### **Public Policy/Freeways**

Mike successfully helped a number of neighboring cities and the State of California resolve a dispute over the construction and widening of an Orange County freeway, juggling not only the legal issues, but the sensitive political issues as well.

### **Pharmaceutical/Wrongful Death**

The dispute involved an alleged wrongful death from the ingestion of a prescribed drug. Mike was able to address the emotional issues so that a constructive discussion could be held to resolve the legal issues and settle the case.



## **Construction**

The prime contractor and subcontractor had what would have been a routine dispute over payments to the sub ... had the sub not withdrawn its mechanic's lien, allegedly due to the misrepresentation of the owner of this low income housing development. Not surprisingly in this market, the project lost money, and the various entities were either short of cash or without cash. It took some time, and plenty of follow-up, but ultimately a creative solution was devised that allowed all parties to move forward.

## **Airline Wrongful Death**

In a wrongful death claim against an airline by the daughter of an Indian woman who witnessed her mother die on a flight to India, Mike was able to work through the cultural and emotional issues underlying the dispute, and help the parties find a graceful way to resolve the dispute at mediation.

## **Copyright Infringement In Publishing Industry**

Major textbook publishers brought claims against alleged infringers who were allegedly unlawfully selling counterfeit product in Asia. Mike was able to bring the parties together in this difficult multi-cultural dispute.

## **Copyright Infringement In Music Industry**

Mike mediated a dispute involving a major record label that claimed the defendant individual was unlawfully reselling certain musical recordings.

## **Trade Secret/Harassment/Misclassification**

In a dispute between competitors in the fabrication business, one party alleged a key employee stole trade secrets and took them to the chief competitor; the employee for his part denied the theft, and claimed he was harassed, misclassified, and constructively terminated. Clean Water Act violation cross-claims were also asserted to add to both the defendant's leverage and the complexity of the dispute. Mike was able to help the case resolve after bringing the principals of the companies together for a private dialogue.

## **Premises Liability**

Mike has been retained by a "big box" retailer to mediate pre-litigation premises liability claims in a "speed dating" format – up to four mediations in a day, two hours scheduled for each. This has proven very successful in helping the retailer resolve claims without litigation, while helping the injured party reach a quick resolution and payout of his or her claims.

## **Attorney Fee Arbitration**

Mike served as lead arbitrator in a \$300,000 fee dispute involving work by a premier national environmental law firm to address an FBI raid of the client's mining facilities, followed by claims by the client that the legal work was below standard and overpriced.

