

## Paul R. Johnson



### Representative Clients

- Chevron U.S.A. Inc.
- The Dow Chemical Company
- Phelps Dodge Industries, Inc.

### Education

- J.D., Boalt Hall School of Law, University of California Berkeley, 1984
- B.A., *cum laude*, Yale University, 1981

### Professional Associations

- State Bar of California (Committee on Appellate Courts 2008 - )  
- Co-presenter with Court of Appeal justices, "Standards of Review: Judicial Power & Decision Making" (2009 State Bar Annual Meeting)
- Alameda County Bar Association (Board of Directors 2005 - )  
- Presenter, "Civil Appeals: The Fundamentals" (2005)  
- Co-presenter, "Appeals 101: Practice Tips & Basics" (2005)
- American Bar Association
- The Fellows of the American Bar Foundation (honorary organization of attorneys, judges, and law professors limited to one third of one percent of the lawyers in each state)

### Admitted to Practice

- California State Bar – 1984
- Also admitted to practice before the United States Supreme Court, the United States Courts of Appeals for the District of Columbia Circuit, the Federal Circuit, and the Ninth Circuit, and the United States District Courts for all districts in California and for the Northern District of Illinois

### In Brief

Paul litigates complex cases in trial and appellate courts. His experience includes matters involving antitrust, intellectual property, employment, environmental, land use, product liability, reputation, and constitutional issues. In the course of his appellate practice, he has argued cases before the United States Court of Appeals for the Federal Circuit, the United States Court of Appeals for the Ninth Circuit, and various California appellate courts. He is a Fellow of the American Bar Foundation (honorary, elected 2006). In 2008, he was appointed to the Committee on Appellate Courts of the State Bar of California. He has also served on the boards of several community organizations.

### Partner

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### Significant Representations

- **City of Modesto etc. et al. v. The Dow Chemical Company et al.** (San Francisco County Super. Ct. Nos. 999345, 999643) (post-trial motions; appellate matters); **The Dow Chemical Company v. Superior Court** (Cal. Ct. App. No. A125426, 2009) (alternative writ granted and followed by trial court; partial judgment following mistrial)
- Representation of defendants in asbestos litigation, including **Texaco Inc. v. Superior Court** (Cal. Ct. App. No. B216264, 2009) (alternative writ granted and followed by trial court; dismissal based on construction of California borrowing statute), **In re Asbestos Products Liability Litigation** (No. VI) (E.D. Pa., MDL Docket No. 875) (litigation of federal jurisdiction, government contractor defense), and **In re Complex Asbestos Litigation** (San Francisco County Super. Ct. No. 828684) (litigation of general order discovery issues, appellate jurisdiction)
- **Safeway Inc. v. Pivotal Sales Company** (Cal. Ct. App. No. A116637) (pending cross-appeals involving commercial and antitrust issues)
- **Clayworth v. Pfizer Inc.**, 165 Cal. App. 4th 209 (tracking), 83 Cal. Rptr. 3d 45 (2008) (industry-wide pharmaceutical antitrust litigation; under California law, plaintiffs' damages do not include alleged overcharges that they did not absorb), on review before the California Supreme Court (No. S166435)
- Representation of ICI Paints in successful appeal to San Francisco Board of Supervisors for land use approval under formula retail ordinance (special hearing held April 29, 2008, Planning Commission No. 2007.1456C)
- **Heartland Direct, Inc. v. Chevron U.S.A. Inc.** (N.D. Ill., No. 06 C 1029, 2006) (dismissal of commercial action for lack of standing based on legal effect of prior bankruptcy proceeding)
- **Fitzer v. Chevron Corp.** (E.D. Cal., No. 2:05-cv-02472-GEB-GGH, 2006) (Title VII employment action voluntarily dismissed after filing of defense motion to dismiss)
- **Longs Drug Stores California, Inc. v. Federal Insurance Company** (N.D. Cal., No. C 03-01746 JSW, 2005) (holding insurer liable for defense obligation)
- **Theis Research, Inc. v. Brown & Bain**, 240 F.3d 795 (9th Cir. 2001), 386 F.3d 1180 (9th Cir. 2004), 400 F.3d 659 (9th Cir. 2005) (prosecution of civil action for conflict of interest during underlying patent litigation; arbitration challenge)
- **Longs Drug Stores California, Inc. v. Shea**, 2005 Cal. App. Unpub. LEXIS

414, 2005 WL 91682 (2005) (overcoming anti-SLAPP opposition to business defamation claim)

- **Drolla v. ChevronTexaco Corp.**, 2004 Cal. App. Unpub. LEXIS 11025, 2004 WL 2750328 (2004) (defense of maritime employment claim alleging disability discrimination)
- **Berry, et al. v. Chevron U.S.A. Inc.** (N.D. Cal., No. C 00-1353 SBA, 2002) (dismissal of class action claims alleging employment discrimination), 2003 U.S. App. LEXIS 25920, 2003 WL 23098426 (9th Cir. 2003) (defense of individual discrimination claims)
- **Octel Communications Corp. v. Theis Research, Inc.** (U.S. S.Ct. No. 97-1773) (certiorari petition seeking rule of judicial deference to administrative determinations of patentability based on same prior art), 1999 U.S. App. LEXIS 30066, 1999 WL 1075155 (Fed. Cir. 1999) (appeal of anticipation judgment re patent claims for telephone line activity monitor), 2001 U.S. App. LEXIS 1416, 2000 WL 33121234 (Fed. Cir. 2001) (appeal of obviousness judgment under preclusion doctrine re patent claims for interactive programmed conversation recording system)
- **Dickinson v. Zurko**, 527 U.S. 150 (1999) (amicus briefs for Theis Research, Inc., seeking certiorari and on merits, restricting Federal Circuit review of administrative determinations against patentability to limited standards under Administrative Procedure Act, reversing unanimous en banc decision of the Federal Circuit)
- **Kristar Enterprises, Inc. v. Revel Environmental Marketing, Inc.**, 2000 U.S. App. LEXIS 7351, 2000 WL 464447 (Fed. Cir. 2000) (defense of patent infringement action)
- **Project Sentinel v. Evergreen Ridge Apts.**, 40 F. Supp. 2d 1136 (N.D. Cal. 1999) (defense of Fair Housing Act claim, distinguishing *Havens Realty Corp. v. Coleman*, 455 U.S. 363 (1982))
- Representation of former Lawrence Livermore National Laboratory inventor regarding media coverage of patented inventions—obtaining printed retractions by USA TODAY and TIME—and successful review process acknowledging authenticity of inventions
- Orange County Transportation Corridors: Representation of agencies building toll highways financed by \$1.17 billion and \$1.51 billion project revenue bonds, including successful planning and execution of innovative litigation strategies to overcome concerted opposition under state and federal environmental laws
- **Natural Resources Defense Council v. Fish & Game Com.**, 28 Cal. App. 4th 1104 (1994) (endangered species)
- **Board of Trustees of the California State University v. Superior Court** (Cal. Ct. App. Nos. B078402 and B078616, 1994) (Establishment Clause challenge to dedication of campus acreage to Native American religious use)
- **Halbert's Lumber, Inc. v. Burdett**, 202 Cal. App. 3d Supp. 14 (1988) (mechanic's lien jurisdiction)
- **Corrigan v. Bjork Shiley Corp.**, 182 Cal. App. 3d 166 (1986) (forum non conveniens).