

DILLINGHAM & MURPHY LLP

LAW FIRM • SAN FRANCISCO • CALIFORNIA



Professional Profile - Murphy, William F. – Partner

Harvard College (A.B., Magna Cum Laude, Economics 1975)

Cornell Law School (J.D., Cum Laude, 1978)

Editor, Cornell Law Review (1976-1978)

Law clerk to the Honorable Robert J. Kelleher,

United States District Judge for the Central District of California
(1978-1979)



Pillsbury, Madison & Sutro, associate attorney, Labor and Employment Litigation (1979-1982).

Partner, Dillingham & Murphy (1982 – present)

In July 1982, Bill Murphy founded his present law firm, Dillingham & Murphy, with another Pillsbury, Madison & Sutro attorney, William O. Dillingham. The firm has grown from two lawyers to a firm of twenty-two lawyers and approximately fifty people total. Bill has taught business law at Santa Monica Community College (1979), given seminars on employment planning for small businesses (1982), and lectured on preparing, taking, and using depositions at trial (CEB-1994, 1992, 1990) and trying wrongful termination cases (State Bar, 1985). He served as Vice Chair of the Labor Law Committee (General Practice Section) of The American Bar Association (1991-2002). He has also provided continuing legal education lectures to lawyers and HR managers on issues relating to FEHA, Title VII, FMLA, and CFRA (Lorman 2005-2007) as well as on the impact of Healthcare reform legislation on employers (2010). He also serves as a mediator on Mediation Panel of the Alternative Dispute Resolution Program for the United States District Court for the Northern District of California.

Bill has tried (or resolved successfully by summary judgment) a variety of employment, trade secret, and civil rights cases, including:

- **Employment/antitrust cases** (see Thomsen v. Western Electric Company, Inc. et al. (N.D. Cal. 1981) 512 F. Supp. 128, affirmed (9th Cir. 1982) 680 F.2d 1263)

- **Employment/patent cases** (Dias et al. v. California Prison Industry Authority (Sacramento Superior Court Case No. 97AS03980) [represented employer in case alleging invalid assignment of patent from employees to employer]).
- **Breach of compensation contracts** (Lynch v. Seibel Systems, Inc. (2002) American Arbitration Association No. 74 116 00475 01 [defense arbitration award against former employee asserting claims for unpaid commission compensation]).
- **California Fair Employment and Housing Act** (Hines v. Department of Corrections et al., Marin County Superior Court 1997 [defense verdict for correctional lieutenant after 5-month jury trial on a conspiracy, retaliation claim]); Bigueur v. Safeway Inc. (N.D.Cal. 1998) No. C-97-2319- MHP [summary judgment for employer in alleged race and age discrimination case]); Pinelli v. Safeway, Inc. (9th Cir. 2001) 2001 WL 1345978 [dismissal of FEHA disability discrimination claim affirmed]).
- **Americans with Disabilities Act** (Davis v. Safeway, Inc. (N.D.Cal. 1996) 1996 WL 266128 [summary judgment for defendant employer]).
- **Civil Rights – Defense of Government Employees** (Boyd v. Fallman (N.D. Calif. 2003) 2003 WL 262323 [§ 1983 claim; summary judgment on qualified immunity grounds for Department of Corrections employee]; Hines v. Department of Corrections et al., Marin County Superior Court 1997 [successful defense to Department of Corrections Employee in § 1983 and FEHA jury trial]; Willson v. Cagle (N.D. Calif. 1988) 711 F.Supp. 1521 [successful defense of US Government employee in Bivens action]; Prendergast v. City of Eureka et al. (N.D. Calif. 1991) C-91-1496 SBA [§ 1983 claim; successful defense of City Manager of Eureka, California]).
- **Sex Harassment** (e.g., Wilson v. Safeway, Contra Costa Superior Court 1995 [plaintiff demand \$650,000; defense settlement offer \$100,000; jury verdict \$75,000]).
- **ERISA/COBRA** (Draper v. Baker Hughes Incorporated (E.D. Cal. 1995) 892 F. Supp. 1287 [represented plaintiff; bench trial; judgment for former employee on miscalculation of applicable COBRA premium by employer]).
- **Whistle-Blower** (Wentner v. Ridgewood Energy Co. (9th Cir. 1995) 62 F.3d 1427) [summary judgment for defendant employer on alleged contract, securities law, and tort claims, affirmed on appeal]).
- **Defamation of Employee Fair Credit Reporting Act** (Comeaux v. Brown & Williamson Tobacco Co. (9th Cir. 1990) 915 F.2d 1264) [represented plaintiff; FCRA judgment against employer]).
- **Breach of Collective Bargaining Agreements and Duty of Fair Representation** (Dutrisac v. Caterpillar Tractor Co. (N.D. Cal. 1981) 511 F. Supp. 719 [bench trial; judgment for employer], affirmed (9th Cir. 1983) 749 F.2d 1270).
- **Employee Privacy/Drug Testing** (Tomczak v. Safeway Inc. (N.D. Calif. 1997) 1997 U.S. Dist. LEXIS 13247 [summary judgment for employer in privacy/defamation claim arising out of drug testing]).
- **Race Discrimination/ADA Issues** (Green v. Safeway Inc. (N.D. Calif. 1998) 1998 U.S. Dist. LEXIS 19910 [summary judgment for employer in ADA/Title VII case where plaintiff alleged failure to accommodate shaving disorder affecting predominately African-American males]).

- **US Department of Labor Audit Defense.** Assisted clients with wage-hour and employment of minors audits.

Trade Secrets and computer software litigation experience:

- **Employment/intellectual property cases** (World Courier, Inc. v. Barone et al. (U.S. District Court, Northern District of California No. C 06-03072 TEH [secured TRO and preliminary injunction against former employees and competitor based on employees' theft and use of trade secrets]); Servicing.com, Inc. v. Compass Analytics, LLC et al. (U.S. District Court, Northern District of California No. C-04-0181 PJH [represented former employees accused of stealing source code and unfair competition with former employer]); (Circuit City Stores v. The Good Guys (U.S. District Court, Northern District of California No. 94-0691-SC) [represented former executive accused of stealing trade secrets]); (BGIS Systems v. Total Oilfield Services, Inc. (Kern County Superior Court No. 216434, 1992 [successfully enforced licensed application software agreement against customer]); (PC Communications Inc. v. PC World Communications, Inc. (San Francisco Superior Court No. 940988) [represented employees of magazine who left to start competing magazine when new owner failed to honor shadow equity agreements]).

Personal Injury Experience:

- Ganz v. Neptune Society (U.S. District Court, Northern District of California [\$175,000 in settlements for plaintiff in action challenging mishandling of deceased father's cremated remains].
- Greenwood v. Yoshizaki (negotiated \$350,000 in settlements prior to filing suit for surviving passenger in vehicle struck head-on by oncoming auto driving on the wrong side of the road).
- Nellesson v. Luxor Cab Company (San Francisco Superior Court, 2000) [confidential settlement for mother of 25-year old motorcyclist killed by cab].
- Smith v. White (Marin County Superior Court, 1991) [represented plaintiff in delayed diagnosis of breast case malpractice action; confidential settlement prior to closing argument]
- Holton v. Lockheed Missiles & Space Co., Santa Clara County Superior Court 1991 [represented plaintiff; \$993,000 jury verdict for former employee, affirmed on appeal].
- Schroeder v. SF Galleria (San Francisco Superior Court 2002; \$225,000 settlement for fractured wrist caused by falling bank of lockers).
- Anderson v. Starwood Hotels (San Francisco Superior Court 2005; confidential settlement for patron injured in hotel by homeless man who threw a vase from third floor).

Publications: "Will Healthcare Reform Put Employers in the Hospital? An overview of Healthcare Reform and Its Potential Impact On Employers," USLAW Magazine, April 2010; "To Be Continued: Ancient Claims Cannot Sneak In The Courthouse Door," San Francisco Daily Journal, May 25, 2000, p. 5 [analysis of 'continuing violation' doctrine in California]; "Ties of Affection: Consensual Relationship Agreements Aren't Love Potions," San Francisco Daily Journal, January 6, 1999, p. 4 [analysis of suggestion that employers require co-employees who date to sign agreements regulating their workplace conduct]; and "Proper Punishment? Strict Liability for Exemplary Damages," San Francisco Daily Journal, May 28, 1998, p. 5

[critical analysis of Lai v. Prudential decision's denial of summary judgment on punitive damages claim].

Law Review Publications: “Recent Development—Antitrust Law—Immunity—Anticompetitive Activities Required of State-Regulated Public Utilities Not Immune From Antitrust Attack” (1977) 62 Cornell Law Review 628; “Scaling the Illinois Brick Wall: the Future of Indirect Purchasers In Antitrust Litigation” (1978) 63 Cornell Law Review 309 [co-authored].

www.dillinghammurphy.com

Dillingham & Murphy, LLP
225 Bush Street, 6th Floor
San Francisco, CA 94104

Phone (415) 397-2700 Fax (415) 397-3300