

Daily Journal

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Top Verdicts

The largest and most significant verdicts and appellate reversals in California

TOP DEFENSE VERDICTS

Grouse River Outfitters Ltd. v. Oracle Corp.

It took a federal jury just over an hour to deliver a defense verdict for Oracle Corp. in a contract dispute with a Canadian firearms and apparel retailer over the performance of Oracle's NetSuite business software. The plaintiff, Grouse River Outfitters Ltd. of British Columbia, alleged breach of contract and fraud related to contracts it signed in 2014 prior to Oracle's acquisition of NetSuite. Grouse River sought more than \$17 million in compensatory damages plus punitive damages in the tens of millions on claims the software had caused it to go out of business.

Latham & Watkins LLP fielded an all-female defense team headed by litigation partner Sarah M. Ray after taking over the case in January 2019. "We told the jury the plaintiff was rolling the dice after making terrible business decisions," Ray said. "They saw a target when Oracle acquired NetSuite. The parties could have worked things out if the plaintiff hadn't gone for pie in the sky."

Despite obtaining favorable rulings from Magistrate Judge Laurel Beeler that limited



SARAH M. RAY

the amount of compensatory damages available, Ray said, Grouse River's counsel nevertheless in his closing argument asked the jury to award \$15 million in punitives. *Grouse River Outfitters Ltd. v. Oracle Corp.*, 16-cv-02954 (N.D. Cal., filed June 2, 2016).

Plaintiff's lawyer Stephen D. Susman of Susman Godfrey LLP did not

respond to a message seeking comment.

"You have to control the narrative," Ray said of her approach to defending her client. "Our employees were being

accused of lying in the contract negotiations, so I told the jury they should meet them and see how deeply they negotiated these agreements. We had our people talk to this young, tech-savvy jury. You could see the jurors nodding along with our witnesses. They could see that it's personal once you get accused."

Latham noted that it is rare to see women leading trials for major corporations in complex commercial litigation cases, citing an ABA study that found women appeared as lead counsel in only 15 percent of

case INFO

Breach of contract
Northern District
U.S. Magistrate Judge
Laurel Beeler

Defense lawyers:
 Latham & Watkins LLP,
 Sarah M. Ray, Elyse M.
 Greenwald, Alicia R. Jovais,
 Diana A. Aguilar, Jessica J.
 Oglesbee

Plaintiff's lawyers:
 Susman Godfrey LLP,
 Stephen D. Susman, Meng
 Xi; Kieve Law Offices, Loren
 Kieve

contract cases. The novelty became evident in the Oracle case when the gallery was packed daily with observers, including judges and clerks from other chambers.

"Having four women at the counsel table was great," Ray said. "People wanted to see it. And the jury came back so fast we just had time to go out and get ice cream before they called us."

—John Roemer