



## Holly L.K. Heffner

### PARTNER

San Diego

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### RELATED SERVICES

- Intellectual Property Litigation
- Commercial Litigation

### OFFICES

- San Diego
- Los Angeles
- Irvine

### OVERVIEW

Holly L.K. Heffner is a Partner with GRSM in the San Diego office. She is a highly experienced litigator representing commercial clients and individuals in complex, high-stakes business disputes in federal, state, and appellate courts. Holly handles a wide range of sophisticated business matters, and has significant experience with contract disputes, intellectual property disputes and prosecution, fraud and securities fraud claims, business torts, and officer and director litigation.

Holly's educational achievements and honors in analytic philosophy, with a focus in symbolic logic and the philosophy of language and mathematics, contribute to her ability to efficiently navigate clients through complex legal issues. She applies these skills in litigation matters, and also in pre-litigation business counseling.

## REPRESENTATIVE EXPERIENCE

Examples of Holly's experience include the following:

- Won \$9.9M award on behalf of investor in 13-day securities fraud arbitration.
- Won anti-SLAPP (strategic lawsuit against public participation) motion on behalf of famous singer/guitarist, disposing of defamation claims arising from statements published by media outlets.
- Won judgment and Rule 11 sanctions on behalf of Director/CEO in Southern District on derivative claims of fraud and unjust enrichment and direct claims of breach of fiduciary duty.
- Won anti-SLAPP motion disposing of five causes of action and numerous additional allegations against Director arising from vote to advance funds for his defense in ongoing litigation and publication of allegedly defamatory statements online. Co-authored winning appellate brief; judgment affirmed. Won related fees motion awarding client over \$166,000 in attorneys' fees against plaintiffs.
- Won judgment on declaratory relief action to invalidate assignment of a security interest made in violation of agreement to provide former partner right of first refusal prior to a sale of "all or part" of the company. Co-authored winning appellate brief; judgment affirmed.
- Obtained dismissal of claims for statutory damages and attorneys' fees in the Central District reducing value of copyright infringement action by more than \$14 million, leading to favorable settlement.
- Obtained dismissal on behalf of an officer of an entity/manager of an LLC from member's claims of breach of fiduciary duty and gross negligence arising from insider loans.
- Obtained dismissal of right to financial privacy action on behalf of credit union in the Southern District. Authored winning appellate brief; judgement affirmed.
- Obtained favorable settlement in putative nationwide class action against fill valve manufacturer alleging manufacturing and design defect and failure to warn in the Central District.
- Obtained dismissal of attorneys' fees claim and contributory and vicarious copyright infringement causes of action leading to favorable settlement on behalf of hospital in architectural copyright infringement action in the Central District.
- Obtained favorable settlement on behalf of flush valve manufacturer in patent infringement action in the Eastern District of Texas.
- Secured transfer of trademark infringement action filed in the Northern District of Texas to defendants' hometown in Florida on jurisdictional grounds leading to favorable settlement.
- Obtained dismissal of two Mexico-based agricultural companies on jurisdiction and forum non convenience grounds in breach of contract action in the Southern District.
- Obtained dismissal on behalf of credit union on claims of breach of contract, breach of the implied covenant, negligence, unfair competition, and declaratory relief.

- Obtained dismissal on behalf of mortgage company involving claims of quiet title, declaratory relief, and cancellation of trustee's deed.
- Won judgment on behalf of banking institution involving claims of breach of fiduciary duty, negligence, breach of contract, and violations of the commercial code.
- Won judgment in two cases on behalf of Fortune 100 company involving claims of strict liability, negligence, failure to warn, and breach of implied and express warranties.
- Obtained favorable settlement on behalf of banking institution whose customer was injured following collision with automated doors.
- Won judgment on behalf of shopping center in contract dispute with tenant.
- Obtained dismissal of forensic analytic company in insurance claims-handling dispute alleging fraud.
- Obtained dismissal of derivative action on behalf of escrow company alleging breach of contract, rescission, declaratory relief, conversion, and accounting arising out of development of a shopping center.
- Provided business counseling for celebrity real estate investment seminars company for compliance with consumer protection laws in 22 states including drafting of seminar sales and related purchase agreements, employee compliance checklists, and scripts for telephone sales.

## PUBLICATIONS

- *The Equifax Mass Hack Serves as a Reminder for All to Take Action*  
GRSM Privacy Teaches and Breaches Blog (September 2017)
- *The Holder Rule Means What It Says: California Appellate Court Rejects Limitations Other Jurisdictions Read Into Rule*  
GRSM Commercial Litigation Law Update (March 2013)
- *U.S. Supreme Court Holds that Federal Rule on Class Actions Preempts State Law Restricting Pursuit of Class Claims*  
GRSM Class Action Law Update (April 2010)
- *Keeping the Lights On At Your Shopping Center: Drafting a Better Continuous Operation Covenant*  
GRSM Real Estate Law Update (August 2009)
- *An Approach to Certification Issues in Multi-State Diversity Class Actions in Federal Court After the Class Action Fairness Act of 2005*  
40 U.S.F. L. Rev. 769 (2006)

## CREDENTIALS

### Admissions

- California
- U.S. District Court, Central, Eastern, Northern and Southern Districts of California
- U.S. Court of Appeals for the Ninth Circuit

### Memberships

- State Bar of California
- La Jolla Bar Association, Board Member
- San Diego County Bar Association

### Community Involvement

- Holly has represented investors in NASD arbitration proceedings for the Investor Justice Project and assisted in habeas corpus proceedings for death row inmates in Montgomery, Alabama for the Keta Taylor Colby Death Penalty Project.

### Education

- J.D., University of San Francisco, School of Law
  - Comment Of The Year, *USF Law Review*
- B.A., Philosophy, University of California, Los Angeles
  - College Honors
  - Philosophy Departmental Honors

### Externships

- Honorable Justice Ignazio Ruvolo of the California Court of Appeals