

Jennifer L. Keller Awarded the Largest Business Jury Verdict in the Nation

California Fellow Jennifer L. Keller of Keller Rackauckas LLP in Irvine reeled in a \$350 million jury verdict in a long-running business fraud case. It is believed to be the largest jury award in the nation so far this year. Ms. Keller's client, Doug Shooker was the managing partner of Auerbach Acquisition Associates. Mr. Shooker had signed contracts entitling him to buy 57% of a credit card processing company called iPayment for \$30 million. He toiled for the better part of a year producing a business plan, reorganization plan, and contacting a myriad of co-investment partners, ultimately landing Redpoint Ventures of Silicon Valley as his partner. Mr. Shooker and Redpoint saw a huge upside potential in iPayment, believing that if significant changes were made in management and marketing, it could become a billion dollar company. The deal was on the eve of closing when someone he thought was merely a CEO candidate, Greg Daily, told the company's acting CEO to renege on the deal. Mr. Daily then bought the company himself. It turns out Mr. Daily had a secret ownership interest in the company all along -- and had parked his best friend at the helm to act as his puppet while his non-compete with a competitor, NOVA Corporation ran out.

Auerbach sued for fraud, breach of contract and interference with prospective economic advantage. After a jury trial that lasted almost five months, the jury awarded \$300 million in compensatory damages and a substantial sum for punitive damages, which has been sealed by the judge.

Ms. Keller has practiced law for over 30 years. She began her career in the Orange County Public Defender's Office, where she was ultimately assigned to major trials and homicides. Later she served for three years as a senior research attorney at the Court of Appeal, 4th District, and Division. She has been in private practice since 1992 and since 1985 has been certified by the State Bar of California Board of Legal Specialization as a specialist in criminal law.

Ms. Keller has tried over 150 felony and misdemeanor cases to jury verdict, including drug, white collar, RICO, federal contract fraud, sex crime, and murder (including death penalty) cases. She has also handled appeals of homicides and other felonies, as well as extraordinary writ petitions, in both state appellate courts and before the Ninth Circuit Court of Appeals.

Ms. Keller also handles select civil litigation. Along with her Auerbach verdict, she has also won a defense verdict for a law firm in a civil jury trial in which the plaintiff alleged wrongful termination for whistle blowing on billing fraud. She successfully represented the county CAO in the Orange County bankruptcy litigation, civil and criminal, and before the Securities and Exchange Commission. Ms. Keller was lead counsel for Chapman University in a six-month civil jury trial on a complaint brought by students in its inaugural law school class; she prevailed and the jury awarded no damages. She represented the Orange County Superior Court in writ

proceedings brought by a drug and alcohol program provider under contract with the County, and successfully represented, in different civil and administrative matters, the Orange County District Attorney, several judges, and Orange County Sheriff Michael Carona (in an investigation by the California Attorney General).