

HUESTON HENNIGAN



Padraic Foran
Partner

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Education

USC Gould School of Law (J.D., 2008) Order of the Coif

London School of Economics and Political Science (LL.M., 2008)

University of Southern California (B.A., 2005, English) magna cum laude

Clerkships

Hon. Jerome Farris, U.S.
Court of Appeals for the Ninth
Circuit

Admissions

California

A creative and forceful litigator, Padraic Foran focuses on complex civil litigation—primarily fraud, trade secret, and professional liability matters—in California and across the country. He has argued and won significant motions in state and federal courts in California, Texas, New York, Florida, and Delaware.

Mr. Foran has guided a wide variety of clients—from Qualcomm to SpaceX, Tesla, Willis Towers Watson, and GlaxoSmithKline—through sensitive, high-stakes litigation. He also advises corporate officers and directors in a broad range of industries, such as telecommunications, real estate, and financial services, on their most important and urgent matters.

With experience managing the litigation process from pleadings to verdict to appeal, Mr. Foran brings an abundance of courtroom experience and insight to every case. Working closely with clients, he develops innovative approaches and case strategies designed to achieve clearly articulated goals. He streamlines complex fact and expert discovery, avoids unnecessary disputes, and focuses on what matters: favorable resolution.

Mr. Foran was a key member of the trial team that helped strike down a land use ordinance, passed by Malibu voters, that *The New York Times* described as “one of the most stringent anti-development measures ever attempted in the country.” Drawing on his nuanced understanding of the relevant administrative, statutory, and constitutional laws, Mr. Foran developed a winning legal strategy that revealed the ordinance’s overreach and illegality—then tried the case on the pleadings and obtained an excellent result, sparing his

client costly discovery. The victory was affirmed by the California Court of Appeal in a unanimous decision hailed by the *Daily Journal* as “a major appellate win in a high-profile legal and political battle.”

Mr. Foran obtained a successful jury verdict on all claims in a patent litigation trial in the U.S. District Court for the Eastern District of Texas, leveraging his deep knowledge of the patented smartphone technology at issue to craft a compelling, persuasive trial narrative.

Before joining Hueston Hennigan, Mr. Foran was an associate at Irell & Manella, where he focused on complex business litigation.

Experience

Won “landmark” opioid trial for **Endo Pharmaceuticals** in a closely watched \$50 billion California case alleging public nuisance, unfair competition, and false advertising. Obtained a full defense verdict following a four-month trial. The win was hailed as “giv[ing] drug companies their **first major victory in the litigation brought by cities and counties across the country** over the opioid crisis,” *American Lawyer*. (See “How Hueston Hennigan Notched A Landmark Opioid Trial Win,” *Law360*; “Opioid Makers Win Major Victory in California Trial,” *New York Times*; “Drug Makers Handed First Win Out of Thousands of National Opioid Crisis Lawsuits,” *Newsweek*).

Defending **Epic Games** against numerous lawsuits in multiple jurisdictions related to alleged “video game addiction.” Plaintiffs claim that Epic and other video game manufacturers and distributors designed their games to be addictive—using sophisticated data, research, and tactics to keep minor users playing longer and spending more money on in-game purchases. Plaintiffs assert novel claims for product liability, negligence, fraud, infliction of emotional distress, and violations of state deceptive trade practices law, among others. (See “Activision, Epic, Video Game Developers Face Addiction Suit,” *Bloomberg Law*).

Defending **PNM Resources** in lawsuits arising out of the April 2022 McBride Fire in Ruidoso, New Mexico. The fire burned approximately 6,200 acres of land in and around Ruidoso and destroyed over 200 structures. Our role includes defense of all civil litigation.

Successfully represented **Endo Pharmaceuticals** in litigation related to opioid abuse in the U.S. District Court in San Francisco. Following extensive fact and expert development that strengthened Endo’s position, the case favorably settled on the eve of trial. (See “Endo Reaches \$10M Deal With SF Ahead Of Opioid Trial,” *Law360*).

Successfully resolved a complex fraud case, with total recovery of more than \$65 million, for **Qualcomm** against a former senior engineer arising from his sophisticated scheme to sell technology he had secretly developed while working for the company.

Representing **Tesla** in qui tam action against more than two dozen automakers, contractors, and subcontractors for alleged violations of U.S. immigration law, trafficking, and RICO. Also represented Tesla in relation to a U.S. Attorney’s office investigation, which resulted in the government declining to intervene in qui tam action.

Defended a leading **global professional services company** against an \$830 million actuarial malpractice lawsuit brought by the city of Houston in connection with the city’s \$6.2 billion pension crisis and obtained a favorable settlement.

Successfully challenged constitutionality of a **Malibu land use ordinance** *The New York Times* characterized as “one of the most stringent anti-development measures ever attempted in the country.”

Represented a **leading aerospace manufacturer** in a well-publicized dispute involving allegations of unfair competition and trade secret misappropriation. Defeated multiple temporary restraining order (TRO) and preliminary injunction applications to minimize disruption to the client’s business, thwarted the plaintiff in efforts to perform discovery involving trade secrets, and negotiated a favorable settlement.

Served as trial counsel in successful patent jury trial against **prominent smartphone manufacturer**. Obtained favorable infringement and invalidity verdicts on all asserted claims as well as a damages award for the full amount sought.

Represented a **defrauded plaintiff** in a highly publicized, three-week jury trial in New York federal court. Case resolved in favor of client with an eight-figure punitive damages verdict and liability findings on all claims of fraud, deceptive business practices, and false advertising.

Represented a **plaintiff in several civil suits** asserting RICO, fraud, violations of consumer protection laws, and conspiracy in state and federal courts in New York, Florida, and California. In one suit, obtained a unanimous judgment in favor of his client by the New York Court of Appeals regarding the showing necessary to sustain a claim for false advertising under New York consumer protection

law.

Represented the **CEO of a publicly traded company** in criminal investigation into alleged violations of the Food, Drug, and Cosmetic Act, resulting in declination of prosecution.

Represented **State Compensation Insurance Fund** in a civil RICO lawsuit alleging widespread health care fraud in the workers' compensation system.

Represented a **prominent California entrepreneur** in a four-year, high-profile criminal investigation, resulting in a complete declination of prosecution.

Represented a **national restaurant chain** in a case brought by a franchisee organization seeking to seize control of the company's national advertising. Obtained a successful result after a week-long Delaware Chancery Court trial.

Represented an **international manufacturer of telecommunications equipment** in a two-week breach of contract trial in California state court.

Represented a **widow** defrauded of her home, preventing her eviction.

Represented a **veteran** defrauded out of his home through a loan modification scam, obtaining default judgment and settlement in his client's favor.

Recognitions

40 & Under List, Benchmark Litigation (2023)

Named to the Southern California Super Lawyers list (2021)

Named to the Southern California Rising Stars list (2016-2020)

The Best Lawyers in America

Insights

2/21/2020 The Granston memo: two years later

1/31/2018 Memo suggests shift in DOJ's qui tam approach