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CELEBRATING CALIFORNIA'S SMALL BUT MIGHTY SPECIALIZED LAW FIRMS

Waymaker
LOS ANGELES

COMPLEX
LITIGATION



From left: Jaime Marquart, Ryan Baker, Keri Curtis Axel, Scott Malzahn and Brian Klein

Waymaker LLP's attorneys focus on practice areas that include fintech, complex commercial and entertainment litigation, intellectual property, plus white collar and government enforcement defense. Founded in 2006 and rebranded in 2021, Waymaker's 18 lawyers include seven partners — four of whom are Harvard Law School graduates — and nine women.

Founders Ryan G. Baker and Jaime W. Marquart, who opened the doors as Baker Marquart LLP, are still on board, along with additional partners Keri Curtis Axel, Teresa L. Huggins, Brian E. Klein, Scott M. Malzahn and Donald R. Pepperman.

"We remain focused on excellence and on expanding our footprint nationally," said Malzahn, the managing partner. This year, the firm hired Becky S. James, the former chief of the criminal appeals section at the U.S. Attorney's Office for the Central District. Baker added that Waymaker is doing more contingency work, including a new antitrust case filed in Nebraska.

"Our cases and clients are becoming more sophisticated," Baker said.

In June 2023, Baker was lead counsel with Malzahn in an 8-0 win for his Beverly Hills physician client, James Elist, as a federal

jury ruled that a rival urologist in Texas had misappropriated trade secrets that he used to file for two patents concerning male penile enhancement implants. In March 2024, the court awarded more than \$18.3 million to Baker's client in implied royalties and exemplary damages. *IMD Inc. et al. v. Robert Cornell MD et al.*, 2:20-cv-03503 (C.D. Cal., filed April 15, 2020).

The jury found for Elist on every claim, including theft of trade secrets, copyright and trademark infringement and breach of contract. The outcome includes the invalidation of the patents obtained by the defendant plus injunctive relief. Post-trial motions remain in progress. Baker said his fee request will total around \$6 million.

A Waymaker client, a Los Angeles property management company, faced an uphill climb when it retained the firm for a follow-on proceeding after an appeal of a multimillion-dollar verdict in favor of a Los Angeles charter school. Baker and Marquart came on after discovery had closed and the deadline for motions had passed. At trial, Baker focused on the school's damages expert, who sought up to \$12 million. Finding a lack of substantial evidence, the court disregarded the damages opinions and awarded \$364,135, about

3% of the sum the defense sought at trial. After the defense noticed an appeal, the case settled on confidential terms. *Denley Investment and Management Co. Inc. v. Los Angeles Academy of Arts and Enterprise*, BC635207 (L.A. Super. Ct., filed Sept. 26, 2016).

"The other side got greedy, but we were in a hole due to the dynamics of representing a landlord against a school for disadvantaged youth," Baker said. "Jaime [Marquart] called it one of the best wins of his career."

In a third major victory, Malzahn and Klein successfully represented the cryptocurrency exchange Payward Inc., known as Kraken, against an \$80 million claim by a man who alleged he'd been the victim of a malware attack in which his stolen Bitcoin were laundered by the defendants. *Kowalski v. Binance Holdings Ltd. et al.*, 2021-23426-CA-01 (11th Jud. Cir., Miami-Dade Co. Fla., filed Oct. 19, 2021). The matter is on appeal.

"We won dismissal after a two-year jurisdictional discovery process," Malzahn said. "The plaintiff wanted to hold the exchange liable for activity by individual users. Conspiracy theories are a hot topic in this space, and if the plaintiff had prevailed, you would have seen a great deal more litigation."

— John Roemer