



Floyd G. Short

Partner

Seattle

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Overview

Floyd Short is a trial lawyer with more than 30 years of experience litigating and trying complex cases on behalf of plaintiffs and defendants in state and federal courts throughout the United States. He has achieved great results for his clients in high stakes cases involving patent infringement, trade secret misappropriation, breach of contract and other corporate and financial disputes, health care, ERISA, antitrust, unfair competition, and bankruptcy litigation. Mr. Short also represents individuals in False Claims Act qui tam actions, white collar criminal matters, and SEC and other government investigations, as well as consumers in antitrust and intellectual property class actions.

The common thread running through every one of Mr. Short's cases is his ability to master his client's objectives, technology, products, and services to secure the best possible outcome. He takes pride in his ability to learn and explain complex issues and advocate his client's position to judge and jury in a clear and persuasive manner.

Mr. Short has been recognized for his skills and leadership by lawyers and judges alike. He has been named a Washington Super Lawyer every year since 2014 (Thomson Reuters) and has held a Peer Review Rating of AV® Preeminent™ (5.0 out of 5.0) from Martindale-Hubbell since 2013. Mr. Short is a Master of the IP Inn of Court, served on the Board of Trustees of the King County Bar Association from 2017-2020, and previously served as the President of the Federal Bar Association of the Western District of Washington (WDWA) and a Lawyer Representative to the Ninth Circuit Judicial Conference by appointment of the WDWA federal judges.

Before joining Susman Godfrey, Mr. Short was a federal prosecutor and the Supervisor of the Complex Crimes Unit of the U.S. Attorney's Office for the Western District of Washington, where he specialized in white collar criminal

cases involving securities fraud, investment fraud, financial fraud, Internet and computer crime, and intellectual property crime.

At the beginning of his legal career, Mr. Short served as a law clerk to the Honorable Betty Fletcher of the United States Court of Appeals for the Ninth Circuit.

Notable Representations

High Stakes Financial and Corporate Litigation

- Defended Flutter Entertainment against FOX Corporation in a private arbitration in New York and secured a favorable award in which the arbitrator nearly doubled the exercise price of FOX's option to acquire 18.6% of Flutter's portfolio company, FanDuel Group, and rejected FOX's claim that Flutter had not provided commercially reasonable resources to the Fox Bet business.
- Represented minority shareholders in ODN Holding Corporation (the parent company of Oversee.net) in an action against the company and its majority shareholders for breach of fiduciary duty and breach of contract in state court in Los Angeles, California.
- Represented Univision Communications Inc. in federal and state court litigation in New York and Minnesota concerning the collapse of the Reserve Primary Fund money market fund.
- Represented Petro Star Inc., a subsidiary of Arctic Slope Regional Corporation (ASRC), in a breach of contract case against BP in federal court in Anchorage, Alaska

Intellectual Property

- Represented California Institute of Technology (Caltech) in a patent infringement case against Samsung in federal court in the Eastern District of Texas, and successfully obtained a confidential settlement for Caltech.
- Represented NetFuel, Inc. in a patent infringement case against Cisco Systems, Inc. in federal court in the Northern District of California, and successfully obtained a confidential settlement for NetFuel.
- Represented Expedia, Inc. in claims initiated by TravelPass Group, LLC for trade secret misappropriation and breach of contract in federal court in the District of Utah and in private arbitration, and successfully obtained a confidential settlement for Expedia.
- Represented Aliphcom d/b/a Jawbone and BodyMedia, Inc. in patent infringement and trade secret misappropriation cases, including a Section 337 investigation and hearing in the International Trade Commission (ITC) against Fitbit and Flextronics.

- Represented Cresta Technologies, Inc. in patent infringement cases, including a Section 337 investigation and hearing in the International Trade Commission (ITC), against major television manufacturers and television tuner makers.
- Represented Eagle Harbor Holdings LLC and MediusTech LLC in a patent infringement case against Ford Motor Company in federal court in Tacoma, Washington.
- Represented Timeline, Inc. in a database software patent infringement case in federal court in Seattle, Washington, against ProClarity Corporation and Microsoft Corporation, and successfully obtained a confidential but substantial settlement for Timeline.
- Represented Burst.com, Inc. against Apple Computer Inc. in federal court in San Francisco, California, in patent litigation involving audio-video compression, editing, and transmission, and successfully obtained a confidential but substantial settlement for Burst.

Antitrust and Unfair Competition

- Representing the class of home sellers in antitrust claims against the National Association of Realtors and various real estate brokerage firms in federal courts in the Northern District of Illinois and Western District of Missouri
- Representing the class of End-Payor Plaintiffs in claims against world-wide suppliers of auto parts for price-fixing and bid-rigging, in *In Re: Automotive Parts Antitrust Litigation* in federal court in the Eastern District of Michigan, recovering over \$1.2 billion in settlements to date.
- Defended Dialysis Cost Containment, Inc., and Payor Reimbursement Negotiators, Inc., against DaVita, Inc., in a Lanham Act false advertising and unfair competition case in federal court in Dallas, Texas, and successfully obtained a confidential settlement.

Healthcare/ERISA

- Defending Renalogic, Inc. and Anchor Benefit Consulting, Inc. in a lawsuit filed in Florida state court by multiple subsidiaries of Fresenius Medical Care North America, alleging tortious interference with business relationships
- Defended Amy's Kitchen, Inc. and its Employee Health Plan in a lawsuit filed in federal court in the Northern District of California by DaVita Inc., alleging violations of the Medicare Secondary Payer Act and ERISA, and obtained a dismissal of the case by the trial court on the pleadings, successfully defended the dismissal on appeal to the U.S. Court of Appeals for the Ninth Circuit (981 F.3d 664 (2020)), and then received favorable citation of the Ninth Circuit opinion in the U.S. Supreme Court's

decision in Marietta Memorial Hospital Employee Health Benefit Plan v. DaVita, Inc. (2022).

- Defended St. Joseph's/Candler Health Systems, Inc. in a lawsuit filed in Georgia state court by DaVita, Inc., alleging breach of contract, and successfully obtained a confidential settlement.
 - Defended SoutheastHEALTH and the Southeast Missouri Hospital Association Employee Health Plan in a lawsuit filed in Missouri state court by two subsidiaries of Fresenius Medical Care North America, alleging breach of contract, and successfully obtained a confidential settlement.
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Bankruptcy Litigation

- Defended Avatar Financial Group in a fraudulent transfer case brought by the Trustee as an adversary proceeding in the largest bankruptcy case ever filed in the Western District of Washington, *In re Michael R. Mastro*, and successfully obtained a confidential settlement for Avatar.
 - Represented a defendant in consolidated adversary proceedings relating to the bankruptcies of Michael R. Mastro and Thomas R. Hazelrigg, III in the Western District of Washington, and successfully obtained a confidential settlement.
 - Represented the court-appointed receiver in *U.S. v. Thomas Joseph Petters*, in the District of Minnesota, for the purpose of investigating potential claims of the receivership estate against a third-party professional.
 - Represented the Metropolitan Mortgage and Summit Securities Creditors' Trusts as special counsel in federal court and private arbitration in the State of Washington against two major accounting firms for auditing malpractice, and successfully obtained a confidential but substantial recovery for the Trusts.
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White Collar Criminal Matters and Investigations

- Representing an individual in connection with parallel health care-related investigations by the Washington Attorney General and United States Department of Justice.
- Represented an attorney in connection with an SEC investigation.
- Represented the CEO of a technology company as a witness in connection with a federal grand jury investigation and criminal prosecution in Seattle, Washington.
- Represented the CEO of a large organization as a witness in connection with a federal grand jury investigation in Seattle, Washington.

Honors & Distinctions

- Award for Outstanding Antitrust Litigation Achievement in Private Law Practice by the American Antitrust Institute (2019) for work on *In re: Automotive Parts Antitrust Litigation*.
- Washington Super Lawyer, 2014 – 2024 (Thomson Reuters)
- Seattle IP Inn of Court, Master, 2017 – present
- King County Bar Association, Trustee, 2017 – 2020
- Criminal Justice Act Standing Committee for the Western District of Washington, Member, 2012 – 2019
- Federal Bar Association of the Western District of Washington
 - President, 2014
 - Vice President, 2013
 - Secretary, 2012
 - CLE Committee Chair, 2008 – 2010
- Lawyer Representative to the Ninth Circuit Judicial Conference (appointed by the federal judges of the Western District of Washington), 2011 – 2014
- Part-time Lecturer, Computer Crime and Internet Privacy, University of Washington School of Law, 2001 – 2005
- Teaching Assistant, Professor Harold H. Koh, Yale Law School
- Editor, *Yale Law Journal*

Clerkships

Honorable Betty B. Fletcher, United States Court of Appeals for the Ninth Circuit, 1990-1991

Education

Yale Law School (J.D., , 1990)

Williams College (B.A., Political Science, magna cum laude, with Highest Honors, 1985)

Admissions

Bar Admissions

- Washington
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Court Admissions

- U.S. District Court for the Western District of Washington
- U.S. District Court for the Eastern District of Washington
- U.S. District Court for the Eastern District of Texas

Leadership & Professional Memberships

- U.S. District Courts for the Eastern District of Michigan
- U.S. Court of Appeals for the Ninth Circuit
- U.S. Bankruptcy Court for the Western District of Washington

- IP Inn of Court, Western District of Washington
- Federal Bar Association, Western District of Washington
- American Bar Association
- King County Bar Association