



## Kathryn P. Hoek

Partner

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### *Overview*

Ms. Hoek is a partner in the firm's Los Angeles office. She is the Chair of the firm's Diversity Committee and serves on the Employment Committee, and she previously served on the firm's Executive Committee. Ms. Hoek is particularly proud of her efforts to increase the hiring and retention of women and diverse lawyers at the firm. In addition to her work at the firm, Ms. Hoek teaches Depositions at UCLA Law School.

In her work for clients, Ms. Hoek represents plaintiffs and defendants in a broad range of business litigation matters, including contract disputes, patent and other intellectual property matters, employment and wage and hour litigation, class actions, antitrust cases, insurance cases and securities litigation. Based on her successful representation of clients in multiple practice areas, Ms. Hoek was named a "Super Lawyer" from 2014-2018 by Southern California Super Lawyers and a "Rising Star" from 2006-2008 and 2011-2013. Ms. Hoek was also recognized in Super Lawyer's special Issue "Southern California's Women Super Lawyers" in 2017 and 2018 (*California Law & Politics Magazine*, Thomson Reuters). In 2019, 2020, 2021, 2022, 2023 Ms. Hoek was named one of *Lawdragon's* Leading 500 Plaintiff Financial Lawyers and in 2022 and 2023 she was named among *Lawdragon's* 500 Leading Litigators.

### *Notable Representations*

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#### Representative Cases

- ***Dial Corporation, et al. v. News Corporation, et al.*** (United States District Court, Southern District of New York) Working with a team from Susman Godfrey, Ms. Hoek secured a \$244 million settlement (\$187.5 million after fees and expenses) of federal monopolization claims in this class action against News Corporation and its affiliates. The media giant

also agreed to change its contracting practices regarding in-store advertising. The settlement ended three years of litigation by a class of more than 600 consumer packaged goods companies who alleged News Corp. monopolized the market for in-store advertising in grocery and drug stores. Susman Godfrey was co-lead counsel for a class of businesses including lead plaintiffs H.J. Heinz Company, The Dial Corporation, Henkel Consumer Goods Inc., Smithfield Foods Inc., Foster Poultry Farms, HP Hood, and BEF Foods, Inc. In an opinion approving the settlement, the presiding judge stated that the plaintiffs “were represented by some of the finest antitrust lawyers in the nation” in this “exceptionally complex” antitrust action.

- ***NRG Renew LLC v. SunPower Corporation, Systems*** (Superior Court of California, County of Contra Costa) (2014 – 2017). Ms. Hoek represented SunPower Corporation, Systems in this complex litigation matter involving indemnification and breach of contract claims arising from the financing and construction of one of the world’s largest solar power plants, California Solar Valley Ranch (CVSR). As one aspect of the project financing, the parties sought a cash grant reimbursement from the US Department of Treasury. Treasury awarded less than the amount sought by the parties, and NRG brought this lawsuit asserting that SunPower must indemnify NRG for the shortfall in Treasury’s award, which SunPower disputes. SunPower asserted crossclaims against NRG alleging approximately \$65 million in damages caused by NRG’s breach of the underlying agreements. The case was resolved on mutually agreeable terms.
- ***Retailer Class Action***. Ms. Hoek represented the world’s largest retailer in some of the largest wage and hour class actions ever brought in several states across the country, during which Susman Godfrey acted as national trial counsel.
- ***Tessera Technologies, Inc. v. Hynix Semiconductor, Inc., et al.*** (Superior Court of California, County of San Francisco) (2007-2012). Ms. Hoek represented the plaintiff Tessera in this antitrust action against DRAM manufacturer Hynix. Tessera alleged that Hynix conspired with several other DRAM manufacturers to boycott and suppress the adoption of Tessera’s patented semiconductor packaging technology designed for use with the revolutionary memory chip technology known as RDRAM. Tessera successfully opposed the defendants’ motion for summary judgment as to its antitrust claims, and the parties entered into a confidential settlement in December 2012.
- ***In re Online DVD Rental Antitrust Litigation***. Ms. Hoek represented the world’s largest retailer in a major multi-district antitrust class action pending in the United States District Court for the Northern District of California. The case was brought by current and former subscribers to online DVD rental services who asserted claims for illegal market allocation and attempted monopolization of the home entertainment market. The Court granted summary judgment dismissing the claims of

one group of subscribers. SG negotiated a favorable settlement for its client as to the remaining group of subscribers.

- ***Watts v. Sysco Corp., et al.*** (Superior Court of California, County of Alameda) (2010-2011). Ms. Hoek represented Sysco Corp. and several California subsidiaries in a labor dispute in which the plaintiffs sought to assert class wide claims to recover business expenses and late wage penalties under California law. Ms. Hoek negotiated a favorable settlement for her client, which was approved in September 2011.
- ***MicroUnity Systems Engineering, Inc. v. Intel and Dell*** (United States District Court, Eastern District of Texas) (2005). Susman Godfrey brought this patent infringement case on behalf of its client MicroUnity against Intel and Dell. The complaint alleged that Intel's Pentium III, Pentium 4, and Pentium M processors, and Dell's use of those processors, infringed several MicroUnity patents covering mediaprocessor technology. Ms. Hoek handled discovery and developing the damages case. Just weeks before trial, the parties reached a confidential settlement, the financial terms of which Intel disclosed in its Third Quarter 2005 10-Q. National media reported on the significance of the case, including articles in the New York Times, the Wall Street Journal, and several technology news outlets.
- ***MicroUnity Systems Engineering, Inc. v. Sony*** (United States District Court, Eastern District of Texas) (2005-2007). Susman Godfrey also represented MicroUnity in this patent infringement case against Sony, alleging that Sony's PlayStation 2 and PlayStation Portable (PSP) game systems infringed MicroUnity's patents covering mediaprocessor and memory controller technology. Ms. Hoek again handled discovery and damages issues. The parties reached a confidential settlement in the Fall of 2007.
- ***Livid Holdings, Ltd. v. Salomon Smith Barney, Inc., et al.*** (United States District Court, Western District of Washington) (2005-2006). In this securities lawsuit, plaintiff Livid sued the successor-in-interest to Schroeder's & Co., Inc., and several managing directors, alleging that it had relied on a Schroeder's prospectus which contained false and misleading statements in violation of Section 10(b) and Rule 10b-5. Livid hired Susman Godfrey after the trial court dismissed its complaint. Susman Godfrey successfully argued before the Ninth Circuit and obtained reversal of the trial court's ruling (See *Livid Holdings, Inc. v. Salomon Smith Barney, Inc., et al.*, 416 F.3d 940 (9th Cir. 2005)), and Ms. Hoek successfully opposed a petition for rehearing en banc. Following remand to the trial court and after substantial discovery, the parties reached a confidential settlement.
- ***Stark v. Shapell Industries, Inc.*** (Superior Court of California, County of Los Angeles) (2005-2007). Susman Godfrey brought this class action on behalf of named plaintiff Allan Stark and others similarly situated who purchased homes from Shapell Industries, Inc. The complaint alleged that

Shapell required purchasers to use Shapell's in-house escrow services as a condition of the purchase of a new home, in violation of California law. Ms. Hoek successfully argued in the Court of Appeal and defeated an extraordinary writ proceeding resulting in a published opinion on an issue of first impression of importance to California class action jurisprudence (See *Shapell Industries, Inc. v. Superior Court*, 132 Cal.App.4th 1101 (2005)). After obtaining class certification over vigorous opposition and defeating summary judgment, we reached a confidential settlement on behalf of the class.

## *Clerkships*

Honorable Lee H. Rosenthal, United States District Court for the Southern District of Texas, 2001-2002

## *Education*

**Yale Law School** (J.D., , 2001)

- Yale Law School Coker Fellow (fellowship to teach legal writing)

**Yale University** (B.A., with Honors and Distinction in Major, summa cum laude, 1997)

- Phi Beta Kappa
- Rita Lipson Cup (awarded for intellectual growth, personal maturity, and active consideration for others)
- Mildred Priest Frank Memorial Prize in Sociology

## *Admissions*

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### **Bar Admissions**

- California
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### **Court Admissions**

- U.S. Court of Appeals for the Ninth Circuit
- U.S. Court of Appeals Federal Circuit
- U.S. District Court for Central District of California
- U.S. District Court for the Northern District of California
- U.S. District Court for the Southern District of Texas

## *Leadership & Professional Memberships*

- Women Lawyers Association of Los Angeles
- Federal Bar Association
- Association of Business Trial Lawyers

# SUSMAN GODFREY

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- Beverly Hills Bar Association