



## Brian M. Daucher

Partner

Orange County  
650 Town Center Drive  
Fourth Floor  
Costa Mesa, CA 92626

Tel: 714.424.2843  
Fax: 714.513.5130  
[bdaucher@sheppardmullin.com](mailto:bdaucher@sheppardmullin.com)

### PRACTICE AREAS

- Litigation
- Intellectual Property

### INDUSTRIES

- Digital Business
- Financial Services
- Healthcare

### OVERVIEW

Mr. Daucher specializes in business litigation with emphasis on contract, health care, and intellectual property disputes. Mr. Daucher has represented clients in a wide range of industries including technology, consumer products, fiduciary and banking services, food and alcohol, health care, and energy.

### Key Experience

- Successfully challenged validity of Federal hospice cap regulation (in more than 10 district courts and before 2 courts of appeals), won suspension and replacement of regulation, and set aside of cap repayment demands in excess of \$75 million.
- Won \$6.4 million jury verdict against Cisco Systems for breach of deal registration and wrongful termination of reseller, including judicial invalidation of key Cisco reseller agreement clauses (2008)
- Won \$16 million jury verdict against commercial institution for fraud (2006)
- Defeated claim of constructive trust over undeveloped land valued in excess of \$20 million (bench trial 2006)
- Defeated trustee petition to confirm extraordinary compensation of \$45 million to trustee and affiliates (bench trial 2005)

### EDUCATION

- J.D., Duke University, 1994
- A.B., Dartmouth College, 1991

### ADMISSIONS

- U.S. Supreme Court
- Fifth, Ninth, Tenth, D.C., and Federal Circuit Courts of Appeals
- United States District Court for the Southern, Central, Eastern, Northern Districts of California, and the Eastern District of Texas
- California

### HONORS

- Martindale Hubbell AV-Rated
- Southern California Super Lawyer, 2010, 2011, 2012

### MEMBERSHIPS

- Chair, Orange County Bar Association Judiciary Committee
- Board Member, Orange County Bar Foundation

- Chair, Irvine Unified School District, Finance Committee
- Board Member, Intervention Center for Early Childhood

**ARTICLES**

- Who Protects the Intellectual Property of your Business?, April 10, 2006
- Bankruptcy Considerations In Intellectual Property Licensing - Concerning The Unthinkable, March 4, 2005

**SPEECHES**

- Speaker: Recent Development in Hospice Litigation, given to American Health Lawyers Association (2011)
- Speaker: Mitigating Operating Risk In Channel, given to Channel Focus Working Group (2010)
- Panelist: Deconstructing the Agent Agreement, given at the Channel Partners Conference & Expo in Las Vegas (2009)
- Presenter, Litigation E-Discovery: What You Need To Know Before Litigation, given before the Dartmouth Lawyers Association (2006)
- Panelist: Bankruptcy Considerations in Intellectual Property Licensing: Concerning The Unthinkable, before the Orange County Patent Law Association (2005)
- Panelist, Advertising in the Outfield: Sweepstakes, Contests and Promotions, given before the American Corporate Counsel Association, Southern California Chapter (2003)

**EVENTS**

- What Happens If You Get Sued - Litigation Basics