

Bradford G. Hughes

Member

Bradford Hughes is a Member in Clark Hill's Los Angeles and San Francisco offices where he represents clients in commercial and cyber litigation. Bradford is a sophisticated and experienced commercial litigator who represents Fortune 500 companies, closely-held businesses, financial institutions, and individuals in litigation. Having handled plaintiff and defense cases on behalf of his clients across the country, including in Delaware's Chancery Court, Bradford brings a unique and effective approach to complex disputes by working closely with clients to achieve profit-maximizing results, which includes the thoughtful management of client time, resources, and human capital. Bradford handles a breadth of cases, with specific emphasis in cyber litigation, California's Consumer Privacy Act, breach of contract, trade secrets, non-solicitation/non-compete agreements, real estate disputes, fiduciary duty claims, shareholder disputes, and bankruptcy proceedings.

Bradford has defended class action lawsuits including those arising out of the Fair Debt Collection Practices Act, the Telephone Consumer Protection Act, and various California Labor Codes. Bradford's experience in managing large class action cases has proven invaluable to clients. He has defeated efforts at obtaining class certification, resolved cases before class certification and defended cases where class certification was achieved.

Capitalizing on his commercial experience, Bradford has a deep practice representing motor carriers, freight brokers, and shippers in trucking and transportation litigation. He is considered an industry leader in defending catastrophic trucking accidents, with particular proficiency in traumatic brain injury cases. Bradford has extensive knowledge of both the Federal Motor Carrier Safety Regulations and the CSA (Compliance, Safety, Accountability) Program. Bradford currently serves on the Board of the American Bar Association's Commercial Transportation Litigation Committee (CTLIC) and Defense Research Institute (DRI) Trucking Committee. In addition, he is a member of the Trucking Industry Defense Association (TIDA), Transportation Lawyers Association (TLA), and California Moving and Storage Association (CMSA).

Regularly called upon to speak to industry and trade groups, Bradford has presented to the American Moving & Storage Association, DRI Trucking Conference, DRI Annual Meeting, British Columbia Trucking Association, TIDA, ABA TIPS Conference, Association of Southern California Defense Counsel, and at local transportation conferences. He has been published in several industry and trade periodicals on issues pertaining to CSA compliance, employer obligations when hiring new drivers, best practices for catastrophic injury accident response teams, proper driver classification under state and federal law, compliance with the DOT regulations for drug and alcohol testing, and using social media in litigation. Bradford manages the 24-Hour Accident Investigation Rapid Emergency Response Team for California.

Honors, Awards & Certifications

Bradford was nominated as outside counsel of the year by the *Los Angeles Business Journal* for the "2020 Leaders in the Law Awards." He was named a Top 100 Up-and-Coming lawyer in Southern California under the age of 40 continuously from 2015 to 2020. He is rated AV® Preeminent™ by Martindale-Hubbell, indicating that his peers rank him at the highest level of professional excellence. He has been selected to the Southern California Rising Stars list continuously since 2014. Each year, no more than 2.5 percent of the lawyers in California are selected by the research team at Super Lawyers to receive this honor. Bradford is a Litigation Management Institute (LMI) Certified Legal Management Professional. In 2015 he successfully completed the Claims & Litigation Management's (CLM) Litigation Management Institute Program. The LMI is the first certification program specifically designed to provide a comprehensive understanding of the business of litigation management. The rigorous program is designed to bridge the gap between legal theory and litigation strategy, and the business aspects of litigation management.

Notable/Published Cases

Wells Fargo v. Baker (2012) 204 Cal.App.4th 1063

Bradford represented Wells Fargo Bank, NA who sued California residents in Iowa and served them via substitute service with the Iowa Secretary of State as allowed by Iowa's long-arm statute. Wells Fargo obtained a default judgment against the California residents in Iowa and registered that judgment in California pursuant to California's Sister State and Foreign Money-Judgments Act. The California residents filed a Motion to Vacate the judgment on the grounds that Wells Fargo improperly availed itself of Iowa's long-arm statute as the bank was not a "resident of



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Education

B.A., University of Southern California, Los Angeles, California, 2003

J.D., University of San Diego School of Law, San Diego, California, 2006

State Bar Licenses

California

Court Admissions

U.S. District Ct., C.D. of California

U.S. District Ct., S.D. of California

U.S. District Ct., E.D. of California

U.S. District Ct., N.D. of California

U.S. Court of Appeals, 4th Circuit

U.S. Court of Appeals, 9th Circuit

U.S. Supreme Court

Iowa" and thus could not utilize the long-arm statute for service of process. The superior court granted the motion and vacated the Iowa judgment.

The Court of Appeal reversed and remanded, holding that the requirement that foreign corporations hold a certificate of authority to qualify as a "resident of Iowa," as it pertained to national banks, was preempted by the National Bank Act because it infringed upon the power of a national bank to sue as fully as natural persons. The Court further held that the Iowa statute, as interpreted by the lower court, would impermissibly discriminate against national banks in favor of local banks, again in violation of the National Bank Act. The California Court of Appeals reversed the superior court and ordered that Judgment be entered in favor of Wells Fargo for \$998,111.15.

Pun & McGeady, et al. v. Marcum LLP - Court of Appeals of California, Fourth District, Division Three - 2019 WL 2284727

Bradford represented Marcum LLP at trial, and on appeal, against a complaint filed by Ken Pun and Pun & McGeady, LLP (Plaintiffs) regarding a 71-page purchase agreement by which Marcum sold to plaintiffs various assets and rights. The purchase agreement contained several noncompetition provisions that were unenforceable under Business & Professions Code section 16600, which prohibits contractual restraints on trade unless certain statutory exceptions apply. Plaintiffs reaped considerable benefits from the purchase agreement over several years, but they eventually had a change of heart and tried to rescind the contract. Following a bench trial, the trial court determined the noncompetition provisions were unenforceable but severable, and consequently the court enforced the remainder of the purchase agreement. The court denied Plaintiffs' claims for restitution and awarded Marcum royalties under the purchase agreement along with the attorneys' fees and costs that had been incurred in the litigation over the purchase agreement in the total sum of \$734,836.

On appeal, Plaintiffs argued that the invalid noncompetition provisions from the purchase agreement voided the entire agreement and that the trial court incorrectly determined that Plaintiffs lacked standing to sue Marcum for unfair competition. In a unanimous decision, the Court of Appeal affirmed the ruling of the trial court and concluded that the invalid provisions of the purchase agreement were properly severed, and Plaintiffs did not have standing to sue for unfair competition. Further, the Court of Appeal awarded Marcum costs on appeal.

Practices, Industries & Services

Automotive & Manufacturing
Corporate Law
Cybersecurity, Data Protection & Privacy
Litigation
Transportation & Logistics

Areas of Emphasis

Business Litigation
Class Action Litigation
Commercial Litigation
Financial Services Litigation
Product Liability

Memberships

- Super Lawyers Rising Stars Southern California 2015, 2016, 2017, 2018, 2019, and 2020 Top 100
- Defense Research Institute — Trucking Law Committee
- Defense Research Institute — New to Trucking / Young Lawyers Specialized Litigation Group (Chair)
- American Bar Association — Commercial Transportation Litigation Committee (Vice-Chair)
- The Transportation & Logistics Council
- Trucking Industry Defense Association
- Transportation Lawyers Association
- California Moving & Storage Association
- American Bankruptcy Institute
- Los Angeles County Bar Association
- Association of Southern California Defense Counsel
- CLM Claims College – School of Transportation, Faculty

Honors

- Bradford has been selected to the Southern California Rising Stars list from 2014 – 2020.

Presentations

- "A Brave New World in Trucking Litigation," Magna Legal Services, August 5, 2020
- "Carmack Amendment," Transportation Seminar, BFL CANADA, February 18 - 20, 2020
- "Direct and Cross-Examination of Your Driver," Trucking Law Primer, Defense Research Institute (DRI), June 26, 2019
- "Winning Strategies for Litigation and Trial," Transportation Megaconference XIV, Tort Trial & Insurance Practice Section (TIPS), American Bar Association, March 21, 2019
- "Don't Be A Turtle: Handling The Reptile Theory And The High Profile Transportation Case," Tort Trial & Insurance Practice Section (TIPS) Conference, American Bar Association, May 3, 2018
- "Attacking Plaintiffs' Lawyer-Driven Treatment and How to Stop the Cutting," Trucking Law Conference, Defense Research Institute (DRI), April 26, 2018