

Daily Journal

NOVEMBER 1, 2023

TOP BOUTIQUES 2023



FROM LEFT: Chad DeVeaux, Patrick Ryan, Robert Bunzel; BOTTOM (LEFT TO RIGHT): Taylor Yamahata, Lisa Ferguson

Bartko Zankel Bunzel & Miller

SAN FRANCISCO • COMMERCIAL, ANTITRUST, IP & CONSTITUTIONAL LITIGATION

At age 45, the powerhouse litigation boutique Bartko Zankel Bunzel & Miller PC is hitting its stride with third-generation leadership coming aboard and a new office building in the works.

"The torch got passed to me from John Bartko 20 years ago and now it's exciting to see it going forward to the next generation," said name partner Robert H. Bunzel, who in 2024 will hand the reins to co-managing principal and head of litigation Patrick M. Ryan and An Nguyen Ruda, who joined the firm in 2020 to

co-lead the labor and employment department."

Ruda, who was born about the time Bartko Zankel was founded by former federal prosecutor John J. Bartko, said in an earlier interview, "For a firm that's been around this long to have a 45-year-old refugee from Vietnam show up and take the lead is pretty revolutionary."

She quoted Bunzel's pitch when she came aboard: "He told me, 'You don't take someone like you and give them a bunch of rules. You take someone like you, tell

them there's no rules, and see what you can do.'"

The third member of the leadership cadre, Ryan, is the head of the litigation, IP protection and antitrust groups. "We thrive on representing both plaintiffs and defendants in major complex cases and believe it makes us better trial lawyers. Working both sides of the courtroom makes us very skilled at the chess match that is high-stakes litigation, putting us in a position to be several steps ahead of our opponents."

Ryan spearheaded the quest for the new office in a stand-alone building on Sansome Street not far from the firm's longtime home at Embarcadero Center. "Bartko is installing a massive state-of-the-art mock trial facility so we can conduct on-site mock trials and jury exercises," he said. "This will be of great benefit to our clients, who can save tens of thousands of dollars off the cost of doing these at very expensive hotels or research facilities." They plan to move in mid-2024.

Meanwhile, Ryan is lead counsel for hospitals in a landmark \$100 million anti-trust case that alleges Blue Cross and Blue Shield and their associates illegally agreed to restrain competition by allocating markets into exclusive territories to

sell health insurance, boycotting providers and fixing prices. *VHS Liquidating Trust et al., v. Blue Cross Blue Shield Ass'n et al.*, RG21106600 (Alameda Co. Super. Ct., filed July 27, 2021).

The court has rejected the defendants' demurrers and motions to strike; the case is proceeding. "We're doing God's work here," Ryan said. "The conduct of the Blues caused costs to go up for insureds and left hospitals underpaid."

He added: "We have withstood every attack that the Cravath firm and Mayer Brown have made for the defendants. Every claim remains intact."

Ryan is also the lead attorney for leading graphic designer Nicky Laatz in a breach of contract and copyright suit

against online marketplace Zazzle Inc. for allegedly misappropriating her IP and selling millions of dollars worth of her typeface designs. *Laatz et al. v. Zazzle et al.*, 5:22-cv-04844 (N.D. Cal., filed Aug. 24, 2022).

He's currently awaiting word on an early summary judgment motion he filed on Zazzle's liability. "This is no small hurdle to get over, but we are into cutting-edge copyright law here," Ryan said, noting that U.S. District Judge Beth Labson Freeman of San Jose said his client has a "very strong case" on breach of contract.

— John Roemer