



Marty B. Ready

Partner

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Marty Ready is an experienced litigation and trial attorney handling a wide range of general liability defense and complex commercial matters. His background is diverse and primarily focused on Wilson Elser's Commercial Litigation and Intellectual Property practices. Marty regularly defends corporations and officers and directors in a variety of disputes, including shareholder derivative actions, misappropriation of trade secrets, unfair competition, breach of contract, breach of fiduciary duty and related business torts. In the area of intellectual property law, Marty regularly litigates patent infringement actions involving a variety of technologies in the U.S. District Courts and before the U.S. International Trade Commission. His vast experience in intellectual property litigation is bolstered by more than a decade as a registered patent attorney representing high tech companies before the United States Patent and Trademark Office. His deep understanding of a variety of technical disciplines translates into his successes in the courtroom.

In addition to his litigation experience, Marty provides strategic counseling to emerging and developing companies on matters of corporate governance as well as the procurement, development and commercialization of intellectual property portfolios. His experience as acting outside general counsel to corporate and academic institutions has provided him with a unique perspective suited to assisting developed and emerging companies in reducing the risks of litigation as well as protecting and defending their intellectual property assets.

Education

- Thomas Jefferson School of Law (J.D., 2005)
 - cum laude
- San Diego State University (M.A. Biochemistry, 2009)

Services

- Commercial Litigation
- Intellectual Property & Technology
- Cannabis Law

- Samford University (B.S. Chemistry, 2001)

Bar Admissions

- California
- U.S. Patent & Trademark Office

Court Admissions

- U.S. District Court, Southern District of California
- U.S. District Court, Central District of California

Professional Affiliations

- Association of Business Trial Lawyers, Board of Governors
- San Diego County Bar Association
- San Diego Defense Lawyers
- San Diego Intellectual Property Law Association

Awards & Honors

- Best of the Bar, *San Diego Business Journal*, 2015

Client Wins

Ready & McCloskey Prevail in Enforcement Action by California Attorney General's Office

After securing a defense verdict in 2024 in a 16-day bench trial in San Mateo Superior Court's Complex Division, **Marty Ready** (Partner-San Diego, CA) and **Michael McCloskey** (Senior Counsel-San Diego, CA) convinced the presiding Judge to limit a statutory attorney fee award to \$35,800 of the over \$2 million requested by the California Attorney General (AG). The underlying case was an enforcement action by the California AG's office against our clients a nonprofit and one of its five directors alleging various breaches of fiduciary duties primarily arising from an alleged series of self-dealing transactions and diversion of charitable assets. The case was initiated as an investigative audit of the nonprofit, which ultimately led to the litigation. The case was contentious and heavily litigated by the parties for five years. At the conclusion of trial, the court only assessed \$14,000 in fines and penalties against the nonprofit and two of its directors related to minor deficiencies in the its tax returns. Although this was an exceptional result, the real risk to our clients was a statutory attorney fee award that was mandatory in an enforcement action brought by the California AG's Charitable Trust Section. As expected, the California AG moved for an award of more than \$2 million in attorney's fees and expert costs spanning the investigation and litigation. After extensive briefing and two days of oral arguments on the California AG's fee motion, the court awarded the AG \$35,800 based on its lack of success at trial and representative of the amount of time related to obtaining a nominal amount at trial for errors on a nonprofit's tax returns. The California AG has

appealed the judgment and is expected to appeal the fee award.

Ready and Kustic Secure Defense Verdict in Case of Alleged Fraudulent Inducement

Marty Ready (Partner-San Diego | San Francisco, CA) and Sarena Kustic (Partner-San Diego, CA) secured a defense verdict in a two-week jury trial in San Diego Superior Court. The case involved a disgruntled shareholder seeking recovery of his \$1 million investment lost due to a failed startup. The plaintiff alleged fraud, breach of fiduciary duty, and rescission against our clients, the former chairman of the board and the failed startup. Although the claims in this trial were based on fraud in the inducement, the plaintiff sought to insert derivative issues (currently the subject of a derivative lawsuit pending in Delaware Chancery Court) in an effort to confuse the jury in the hopes of obtaining a favorable verdict. Fortunately, Marty and Sarena and their team were able to keep the record clean, and the jury focused on only the issues in this case. The jury deliberated for less than three hours and returned a verdict in favor of our clients, never getting past the first question for each cause of action. After the verdict was rendered, the jurors advised counsel that our cross-examination of plaintiff's witnesses was very effective in demonstrating their lack of credibility and our trial presentation was highly persuasive and professional.