

# Diana Barrett Kruze

ADR by Diana (Mediation, Arbitration & Discovery) • (415) 359-7104 • dianakruze@gmail.com



Diana Kruze is a full-time mediator, arbitrator, and discovery referee, focusing on intellectual property, business, contract, technology, health care, and employment disputes. She has successfully resolved multi-million dollar cases around the world and has extensive subject matter expertise in IP infringement (trade secret, copyright and patent), biotech and pharmaceuticals, licensing, data breach/cybersecurity, telecommunications, and satellite technology. Prior to becoming a neutral, Diana was a litigation partner with the leading international law firm of Morrison & Foerster, where she tried and settled complex disputes in all areas of business, civil rights, health care and technology law. She was then appointed as a full-time judicial officer with the California Superior Court, where she presided over thousands of civil cases. As a former judicial officer, Diana has hands-on experience helping parties resolve their disputes and crafting well-reasoned legal opinions after careful consideration of all arguments and the governing law. In recognition of her legal work, Diana has received numerous awards, including the American Arbitration Association's Higginbotham Fellowship for outstanding ADR professionals, the *Daily Journal's* Top 40 Under 40, and the *National Law Journal's* Trailblazers Award.

## EXPERIENCE AND REPRESENTATIVE CASES

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### Intellectual Property (Patent, Copyright, & Trademark):

- International, nine-forum patent and breach of contract dispute involving DSLR cameras.
- US, German and Netherlands patent dispute involving semiconductor business.
- International trademark and patent case involving smartphones and graphical user interface for mobile devices.
- Developed international litigation and IP enforcement strategy for Fortune 100 company involving lawsuits against several glass manufacturers in Germany, Australia, China, Japan, and three jurisdictions in the US.
- Patent infringement claims arising from the sale of a competing furniture product by luxury furniture dealer.
- IP and breach of contract litigation involving BIOS software and virtualization.
- Patent infringement claims and breach of license agreement regarding self-driving car technology.
- Consolidated case involving standards essential patent covering Power over Ethernet (PoE) and Quality of Service (QoS) solutions for delivery of audio, video, and data over Ethernet networks.
- Patent infringement case involving encryption of satellite signals.
- Patent infringement case involving hardware storage devices.
- Trade secret misappropriation case involving web-based software for patient imaging against medical provider.
- Nine-figure patent case involving nanoparticulate anticancer drugs between pharmaceutical companies.
- Copyright and trademark infringement suit related to video-editing software.
- Copyright infringement case involving CAD architectural software.

### Health Care & Life Sciences

- As a judicial officer, adjudicated cases regarding medical malpractice, dental malpractice & HIPPA compliance.
- Billing and medical necessity dispute between pharmacy and pharmacy benefit manager.
- Civil dispute involving anticancer drugs between two competitor pharmaceutical companies.
- Licensing and breach of contract dispute involving growth hormone.
- Breach of contract case against health care conglomerate relating to plastic surgery & dermatology software.
- Wrongful termination, physician licensing & computer misuse case against major health care provider.
- Dispute regarding medical technology agreement covering online patient portal.

### Banking & Finance:

- As a judicial officer, conducted hearings and adjudicated several cases against financial services companies.
- International embezzlement dispute involving multiple companies and banks.
- Patent infringement case against several banks relating to use of online financial services tool.
- Securities case involving claims of fraud and misrepresentation.
- Stock options backdating dispute.
- Consumer disputes with banks and finance companies.

### Privacy and Data Breach:

- As judicial officer, adjudicated cases for damages based on data breaches against Experian, Netflix, and Macy's.
- Counseled senior executives on privacy issues related to marketing practices, e-commerce websites and data collection and use and drafting terms of use and privacy policies for mobile applications and social media platforms.

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## EXPERIENCE & REPRESENTATIVE CASES

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### Discovery:

- As a judicial officer, conducted hearings and wrote discovery orders regarding subpoenas, interrogatories, document requests, spoliation, depositions, and third-party requests in a wide variety of civil cases.
- Served as discovery referee in insurance cases, malpractice cases, breach of contract disputes and employment matters, including a complex wrongful termination case involving law firm and former officer manager/accountant.
- As a litigator, managed all aspects of discovery in highly-contentious litigations, including *Apple v. Samsung*.
- Developed internal document preservation and collection procedure for clients for future litigation matters, including analysis of international data privacy laws and vetting of potential hold, search and collection software.

### Real Estate

- As a judicial officer, adjudicated thousands of unlawful detainer cases, including residential & commercial, non-payment, bank foreclosure, nuisance, wrongful eviction, habitability, discrimination and force majeure issues.
- As a judicial officer, adjudicated dozens of civil real estate cases involving HOA issues, condo and co-op elections, property line disputes, neighbor altercations, real estate agent commission disputes, non-disclosure & misrepresentation claims, tree cases, fence and view disputes.

### Employment:

- As a judicial officer, adjudicated dozens of employment cases, including sexual harassment, hostile work environment, wrongful termination, and ADA failure to accommodate.
- Dispute between former employee and accounting firm involving BP 17200, hostile work environment, and trade secret misappropriation of customer list.

## WORK HISTORY

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### **ADR by Diana**

*Mediator, Arbitrator & Discovery Referee (Current)*

### **University of California, Hastings College of the Law**

*Adjunct Professor (Current)*

### **California Superior Court**

*Judicial Officer/Commissioner*

### **Morrison & Foerster, San Francisco & Palo Alto Offices**

*Partner & Associate, Litigation Department*

## EDUCATION & ADR TRAINING

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### **University of California, Hastings College of the Law, San Francisco**

Juris Doctor, *magna cum laude*, 2006

Honors and activities: Top 5% of graduating class; several CALI & Witkin Awards for highest grade in the class  
*Hastings Law Journal* (Senior Symposium Editor)  
Thurston Society (award for academic excellence)  
2005 Cardozo Moot Court Competition (First Place Team, Best Brief, Best Oral Advocate)

### **New York University, New York City**

Bachelor of Arts, *magna cum laude*, Political Science and Russian Studies, 2001

Honors and activities: 2001 Founder's Day Award; 2000 Dean's Award (awards for academic excellence)  
Financed education through full-time employment as a bartender

### **Select ADR Training**

Harvard Advanced Mediator Training at Judicate West (2021); FINRA Arbitrator Training (2021); AAA Arbitrator Award Writing (2021); California Superior Court New Judges Training & Orientation (2019); American Arbitration Association Higginbotham Fellowship Training (2016); U.C. Berkeley Conflict Resolution & Mediation Program (2017); San Francisco Superior Court Judge Pro Tem Training (2016, 2017, 2018, 2019)

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## AWARDS

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- “Intellectual Property Trailblazer” Award by the *National Law Journal* in 2017
- “Top 40 Attorneys Under 40” Award by the *Daily Journal* in 2016
- “Teacher of the Year” Award, LWR Department, U.C. Hastings, 2019
- “Inspiring Role Model in Promoting Gender Diversity” Award Finalist by *Chambers* in 2017
- “Legal Lion” Award by *Law360* in 2018
- “Copyright Litigation Lawyer of the Year in California” Award by *Corporate INTL Magazine* in 2017
- “Barrister of the Year” Award by the Bar Association of San Francisco in 2013
- “A. Leon Higginbotham Fellow” by the American Arbitration Association in 2016
- “Rising Star” in Northern California for six years in a row by *Super Lawyers Magazine*, 2013-2018
- Inducted into the Fellowship of the American Bar Foundation in 2016
- “Best LGBT Lawyers Under 40” Award by the National LGBT Bar Association in 2017
- Ignite Change Fellowship, 2021

## VOLUNTEER WORK AND PROFESSIONAL AFFILIATIONS

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- Appointed to California Access to Justice Commission, 2021-current
- Appointed by Chief Judge of California Supreme Court to California State Bar Trust Fund Commission, 2021-current
- *Pro tem* judge, San Francisco Superior Court (Discovery, Appeals, Traffic & Mediation), 2016-2019
- Appointed by Mayor of San Francisco to Citizen’s Committee on Community Development, 2017-2019
- President-Elect of the Jewish Bar Association of San Francisco, 2017-current
- Board of Governors, UC Hastings, 2021-current
- Fundraising Chair and Board Member, Lawyers’ Committee for Civil Rights, 2016-2019
- Secretary and Board Member of the Bar Association of San Francisco (BASF), Barristers Club, 2014-2016
- President of Board of Directors of Playmates Cooperative Nursery School, 2016-2018
- Board member of Executive Committee, Intellectual Property Section, BASF, 2016-2019
- Champions of Diversity Chair for Bay Area Urban Debate League, 2011-2019
- Member of California Judges Association, National Association of Women’s Judges, International Association of LGBT Judges, Bar Association of San Francisco, ABA, Queen’s Bench, CLA, California Women Lawyers, & BALIF

## SELECT PUBLICATIONS

- *COVID-Backlogged Courts*, SF Attorney Magazine (September 2021)
- *U.S. Supreme Court to Address Discovery in International Arbitrations*, ABA ADR Newsletter (August 2021)
- *Federal Circuit Imposes New Requirements for Joinder in Pre-AIA Cases*, IP Quarterly (May 2012) (co-author)
- *Experimental Testing in Patent Litigation*, ABA Landslide Magazine (July/August 2009) (co-author)

## MEDIATION & ARBITRATION PANELS

American Arbitration Association (Technology, Large Complex, Commercial, Health Care, & Life Sciences Panels), FINRA, American Intellectual Property Law Association, World Intellectual Property Organization, American Health Lawyers Association; Office of the Independent Administrator, Bar Association of San Francisco, Several Federal and California Superior Court Panels (incl. Alameda, Santa Clara, Marin & Contra Costa Counties)

## INTERESTS

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Fly-fishing; exploring Golden Gate Park with my dogs, Demolition, Bulldozer and Tiny; hole-in-the-wall restaurants; terrible poker player; binge-watching HBO and Netflix TV (like Ru Paul’s Drag Race, the Jinx, Arrested Development, Deadwood, and Game of Thrones); mid-century modern dollhouse furniture maker; avid boxing fan; former symphony violin player; searching for dinosaur bones with my three children.