

# Roy Z. Silva

Partner | Orange County

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Roy Silva serves as Co-Chair of Nossaman's Employment Group. He also has a unique practice within the Firm as a Discovery Referee/Special Master. His substantive areas of expertise include mortgage banking/lender liability, employment counseling and litigation, and appellate litigation. His employment law practice includes representing California employers in a broad variety of fields including skilled nursing, medical practices and trucking and transportation.

## EXPERIENCE

- Served as a discovery referee in the celebrated Barbie-Bratz litigation; over a three year period, prepared more than 100 Discovery Master orders addressing virtually every type of discovery dispute and assisted the Court in multiple evidentiary hearings, in camera document reviews and trial-related tasks, including preparing a draft of the Court's Order awarding nearly \$200 million in attorneys' fees to the prevailing party.
- Served as the discovery referee in high-stakes patent litigation involving some of the world's leading technology companies; closely involved in case management, oversaw all aspects of discovery, refereed depositions, and resolved all discovery motions.
- Appointed as Special Mater to assist the Court in claims construction proceedings and resolving cross-motions for summary judgment in patent case involving memory chips manufactured by one of the world's leading technology companies.
- Obtained judgment for mortgage lenders at the pleading or summary judgment stage in various cases filed by borrowers in State and Federal Court alleging wrongful foreclosure. Successfully defended those judgments on appeal.
- Successfully defended wage and hour class actions involving multiple California skilled nursing facilities as well as clients in the trucking and transportation industry.
- Won summary judgment on behalf of employers in various single-plaintiff cases alleging age, race, and sex discrimination, wrongful termination, and other employment-based claims.
- Obtained a unanimous ruling by Court of Appeal dismissing a taxpayer lawsuit that challenged the validity of a \$102 million settlement paid by a California County. *San Bernardino County v. Superior Court* (2015) 239 Cal. App.4th 639. The ruling was the first published decision to address key issues of California law involving taxpayers' ability to challenge contracts by cities and counties.
- Successfully compelled employees to submit their claims to arbitration and then defeated all of the employees' claims and obtained awards of attorneys' fees for the employer.
- Obtained dismissal of federal lawsuit against sitting president of foreign nation sued for alleged human rights abuses on the grounds of head of state immunity, *Habyarimana v. Kagame*, 821 F.Supp2d 1244 (W.D. Okla. 2011) and directed successful defense of appeal, resulting in a unanimous decision affirming the trial court's ruling. *Habyarimana v. Kagame*, 696 F3d 1029 (10th Cir. 2012).

- Persuaded the Court of Appeal to reverse a trial court's ruling and strike down a provision in an attorney-client retainer agreement that violated the rules governing members of the Bar. *Cannon & Nelms v. St. Andrews Development Corporation* (2016) 2016 WL 6944762.
- Obtained dismissal of an antitrust lawsuit filed against a hospital and anesthesia group by a physician whose staff privileges were terminated. Wrote a successful appellate brief resulting in a unanimous ruling that clarified key points of California anti-trust law. *Marsh v. Anesthesia Services Med. Group* (2011) 200 Cal.App.4th 480.

## COMMUNITY & PROFESSIONAL

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California Mortgage Bankers Association, Member  
Federal Bar Association – Orange County Chapter, Board Member  
J. Reuben Clark Law Society – Los Angeles & Orange County Chapters, Member

## PRACTICES

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Employment  
Discovery Referee/Special Master  
Wage & Hour  
Litigation  
Class Actions & Multi-District Litigation  
Appellate Practice  
Commercial Litigation

## EDUCATION

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Columbia University School of Law, J.D., 1988  
Brigham Young University, B.A., 1985, *cum laude*

## LANGUAGES

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Portuguese

## ADMISSIONS

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California  
Colorado  
U.S. Court of Appeals, Ninth Circuit  
U.S. Court of Appeals, Tenth Circuit  
U.S. District Court, Central District of California  
U.S. District Court, Northern District of California  
U.S. District Court, Southern District of California