

STEPHEN R. COCHELL

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Professional Summary

Trial Attorney with over sixty *complex* civil, personal injury and criminal jury trials, numerous evidentiary hearings involving injunctions, admissibility of expert testimony and evidence with extensive multi-state litigation experience in business torts, tax, securities, Lanham Act, trademark, personal injury, employment and trade secret litigation. Former Navy JAG, Assistant United States Attorney and Chief Disciplinary Counsel.

Professional Experience

Sole Shareholder

June 2010-Present

The Cochell Law Firm, P.C.
Bellaire, Texas, 77401

Represent individuals and businesses in commercial disputes involving DTPA, contract, real estate, partnership, non-compete, intellectual property, receiverships, bankruptcy, tax, securities, premises liability, personal injury and employment litigation. Recently obtained two notable results: \$620,000 verdict with co-defense counsel in dispute with commercial landlord; dismissal of criminal theft charges against corporate Director of Finance. See Representative Achievements in Primary Areas of Practice.

Partner

April, 2004 – June 2010

Epstein Becker Green Wickliff & Hall
Houston, Texas

Represent business clients in major product liability, commercial, business tort, intellectual property, labor and employment cases, including class action litigation. See Representative Achievements in Primary Areas of Practice.

Senior Trial Counsel, Federal Express Corporation
Memphis, Tennessee

December 1997 – March 2004

FedEx Star Award, 1999.

FedEx Five Star Award, 2001

Served as lead trial counsel in major commercial, business tort, intellectual property, labor and employment matters managing trial teams in designated cases, including trade secret, trademark, cybersquatting actions and disputes under the Warsaw Convention. Prosecution of a complex trade secrets case against UPS and Fritz Companies, assisted management in formulating an administrative and litigation strategy to address disputes with the Department of Transportation ("DOT") arising under the Air Carrier Stabilization Act and also served on the defense team defending the Postal Service's award of the \$7.2 billion contract to FedEx. Obtained three trial defense verdicts in one commercial and two employment matters within the last four years with FedEx. See Representative Achievements in Primary Areas of Practice.

Chief Disciplinary Counsel/General Counsel
Utah State Bar
Salt Lake City, Utah

July 1995 - November 1997

Administration, supervision and management of Office of Attorney Discipline, Utah State Bar, and providing advice and counsel to the Utah State Bar Commission regarding disciplinary policy, employee matters, drafting of disciplinary rules regarding trust account reporting, development of a statistical and management information system, providing continuing legal education to Bar members and trial of attorney discipline matters in the state district and appellate courts. See Representative Achievements in Primary Areas of Practice.

Attorney (AV Rated Firm)
Campbell Maack & Sessions
Salt Lake City, Utah

April 1992 - July 1995

Primary areas of practice: commercial trade secret, business tort, product liability and white collar criminal defense, including successful trial defense in a federal criminal prosecution for insider trading, tax and securities fraud. See Representative Achievements in Primary Areas of Practice.

Attorney (AV Rated Firm)
Hansen, Jones and Leta
Salt Lake City, Utah

May 1990 - April 1992

Primary areas of practice: commercial and bankruptcy litigation, theft of trade secrets and unfair competition, labor and employment litigation and related advice to employers on broad range of employee matters, and litigation involving trademark infringement. See Representative Achievements in Primary Areas of Practice.

Attorney (AV Rated Firm)
Wise and Marsac
Detroit, Michigan

June 1985 - May 1990

Primary areas of practice: product liability defense, employment litigation and related advice to employers on broad range of employee matters, insurance coverage, insurance transactions/administrative matters and commercial litigation. See Representative Achievements in Primary Areas of Practice.

Assistant United States Attorney
Department of Justice
Eastern District of Michigan
Detroit, Michigan

June 1983 - June 1985

Primary areas of practice: investigation and prosecution of complex narcotics, tax and public corruption offenses including offenses under the Racketeer Influenced Corrupt Organizations (RICO) Statute and the Continuing Criminal Enterprise (CCE) Statute.

Lieutenant, Judge Advocate General Corps
Trial Defense Counsel, Special Assistant U.S. Attorney
Department of the Navy
Pearl Harbor, Hawaii and Yokosuka, Japan (2 years)

July 1979 - May 1983

Washington D.C. (1 1/2 years)

Education

Georgetown University Law Center
Washington, D.C.

L.L.M., 1983

University of Baltimore School of Law
Baltimore, Maryland

J.D., June 1979

University of Maryland, Baltimore County
Baltimore, Maryland

B.A. Political Science
June 1972

REPRESENTATIVE ACHIEVEMENTS IN PRIMARY AREAS OF PRACTICE

Employment and Labor Law

Prosecution of human trafficking & fraud allegations on behalf of 57 Filipino workers, recently obtaining reversal of trial court dismissal on jurisdiction. (Texas 2014)

Successful defense of international staffing company in protracted employee raiding case involving 20+ foreign workers, resulting in partial summary judgment for client, non-suit of remaining allegations. (Texas 2010).

Representation of Millennium Employer Welfare Benefit Plan in two civil RICO actions and three cases arising out of alleged fraud (Texas and California 2008).

Representation of FedEx in pending nation-wide Title VII class action brought by EEOC regarding alleged religious discrimination (the "Dreadlocks" case). Obtained summary judgment. (New York, 2002).

Obtained defense verdict in race discrimination case in Houston, Texas involving long term management employee terminated for leadership failure. (Texas, July 2000.)

Obtained defense verdict in race discrimination/worker's compensation retaliation case in Tyler, Texas involving long term employee terminated for performance failure. (Texas, August 2000.)

Defense of a multi-plaintiff race discrimination action brought as a class action by and on behalf of all African-American managers at the Memphis Hub. Obtained favorable ruling from the Court denying class certification and summary judgment against four individual plaintiffs. (Tennessee 1999.)

Defense of an age/sex discrimination action (with state law torts) in Miami, assuming responsibility for trial from local counsel. Obtained summary judgment shortly before trial. (Florida 1998.)

Defense of a race discrimination action in St. Louis, assuming responsibility for trial from local counsel disqualified by the Court for professional misconduct occurring during discovery. Obtained leave of Court to file dispositive motion and obtained summary judgment shortly before trial. Case affirmed by Eighth Circuit Court of Appeals. (Missouri 1998.)

Intellectual Property Litigation & Commercial Litigation

Obtained Temporary Injunction for international freight forwarding/customs clearance brokerage company against employee who breached a Non-Solicitation and Confidentiality Agreement. (Texas 2008).

Trial defense of patent infringement claim, and separate action for client alleging false patent marking resulting in a successful resolution pending verdict on the patent claim. (Texas 2008).

Trial prosecution of theft of trade secret claim in NASD proceeding against employee who stole electronic information of financial institution's data base and joined competitor, resulting in settlement on fifth day of trial including return of electronic information, electronic monitoring of subsequent employer's computer network system and payment of client's attorney's fees. (Texas 2006).

Prosecution of theft of, or inevitable disclosure of confidential information against senior officer of company seeking to join multi-national competitor in financial services industry, resolution including assignment of officer to non-competitive division of company. (Texas 2006).

Trial defense of copyright infringement claim against record label, resulting in defense verdict on two of three counts. (Texas, 2006)

Defense of Johnson Controls, Inc. in complex commercial case alleging fraud, breach of partnership agreement, breach of contract and misappropriation of proprietary information by former vendor seeking \$21 million in damages, resulting in summary judgment for Johnson Controls on all claims except portion of breach of contract claims. (Texas 2005-6) Case resolved favorably to client.

Prosecution of action for medical waste/supply company against competitor for false advertising and unfair competition, resulting in favorable settlement after filing of summary judgment motion. (Texas, 2006).

Prosecution of trade secret action against Accu-Sort Systems, Inc. for theft and misappropriation of trade secrets and ownership of Mass Scanning and Dimensioning ("MSDS") technology. Settled recently (after my departure) for \$18.5 million (Tennessee 2004.)

Prosecution of an action for theft of trade secrets and breach of contract against Fritz Companies, Inc.. Obtained injunctive relief in an action brought by FedEx seeking to enjoin a portion of the proposed merger between Fritz and UPS on the basis that it breached Fritz's contract with FedEx and threatened misappropriation of FedEx's trade secrets. Case preparation involved detailed operations analysis of customs clearance operations conducted on behalf of FedEx by Fritz and protracted hearings before Special Master. (Tennessee 2001.)

Prosecution of trademark dilution action against Florida corporation using registered name "FedUP" using FedEx's trade dress. Obtained Preliminary Injunction ultimately resulting in Consent Judgment and Permanent Injunction for FedEx. (Florida 2000.)

Prosecution of an action for theft of trade secrets and breach of non-compete agreements on behalf of Willis Corroon Corporation, an insurance brokerage firm against former employees. Case resolved favorably to client after obtaining Temporary Restraining Order against employees' competitive activities. (Utah 1995.)

Prosecution of an action for trademark infringement, false advertising and unfair competition on behalf of Utah-based manufacturer of drug delivery systems against unauthorized sales and resales of client's medical devices by Virginia-based distributor. Consent Decree and Permanent Injunction.

(Virginia.)

Product Liability/Personal Injury/Environmental/Construction

Defense of contractor accused of concealing mold in residential home. Obtained summary judgment based on inadmissibility of expert testimony. (Utah 2014.)

Defense, coordination, litigation and management of defense of large asbestos docket against brake manufacturer in fourteen counties throughout Texas (Texas 2004-2005.)

Defense of All-Terrain Vehicle ("ATV") manufacturers (Honda, Yamaha, Suzuki in personal injury actions involving catastrophic injury. (Utah 1992-1995.)

Defense of claims against bankrupt estate for violations of state and federal law arising out of spill of toxic mercury materials. (Utah 1990.)

Coordination, litigation and management of defense of over five hundred personal injury asbestos cases against Riley Stoker Corporation, a subsidiary of Ashland Chemical Company. (Michigan 1985-1990.)

Prosecution of breach of contract action on behalf of engineering design firm, Efficient Engineering, Inc. against General Contractor, Litton Industries, arising out of construction of an automated automobile production line. Resolved favorably to client. (Michigan 1989.)

Defense of Union Carbide Corporation in toxic tort action by plaintiff claiming organic brain syndrome as a result of exposure to solvents. (Michigan 1988.)

White Collar Criminal Litigation

Counsel, United States v. R. Allen Stanford, working closely with criminal trial team on client's competence to stand trial and subsequently developed expert testimony for client's criminal trial defense. (Texas 2012.)

Lead Trial Counsel in attorney discipline actions in re Jean Babilis, 957 P. 2d 1233 (1993), a complex misappropriation and fraud matter, In re Mark Tanner, a false statement case, and In re Earl Spafford, a complex misappropriation and trust accounting fraud case. Argued three appeals and obtained reversal of trial court rulings before the Utah Supreme Court on issues of first impression to the attorney disciplinary system. Notably, the Court established a presumptive rule that lawyers who misappropriate client funds will be disbarred. (Utah 1995-1997.)

Co-Defense Counsel in federal prosecution against President of a publicly held Utah corporation for insider trading, securities fraud, and tax evasion, United States of America v. Dean Wallace, resulting in complete acquittal of client. (Utah 1993.)

Co-Defense Counsel in state manslaughter prosecution for death of a hunter arising out of an accidental shooting by another hunter. Manslaughter charges dismissed after preliminary examination. (Utah 1994.)

Lead Trial Counsel in month-long prosecution of four RICO defendants in Elkins, West Virginia. Obtained convictions and defended convictions in appeals before the United States Fourth Circuit Court of Appeals. (W. Virginia 1985.) (United States v. Schell, 775 F.2. 559 (1984)).

Twenty criminal jury trials, three appeals before the United States Sixth Circuit Court of Appeals, and one appeal before the United States Fourth Circuit Court of Appeals. United States v. Lucci, 758 F.2. 153 (1984).

Twenty-five court-martials as trial defense counsel, thirteen oral arguments before the United States Court of Military Appeals and the Navy-Marine Corps Court of Military Review. (1979-1983.)

Prior to leaving the Justice Department, I was one of two Assistant United States Attorneys assigned to the investigation of the Detroit Recorder's Court for public corruption. The investigation, completed after my departure, resulted in prosecution of four sitting judges.

Publications

Cochell & Shea, *Electronic Evidence and the Proposed Federal Rules of Civil Procedure*, DiscoveryResources.org, November 2005.

Cochell, *The Applicability of the Exclusionary Rule to OSHA Civil Enforcement Proceedings*, 12 U.BALT.L.REV.1 (1982).

Bar Memberships

State Bar of Texas
American Bar Association
Houston Bar Association

Former Bar Memberships

Tennessee State Bar, Admitted to practice, 1997
Utah State Bar, Admitted to practice, 1990
Michigan State Bar, Admitted to practice, 1987
Maryland State Bar, Admitted to practice, 1979