

INTELLECTUAL PROPERTY**Copyrights — Infringement****Artist said houseware company infringed on her digital images****STIPULATED JUDGEMENT****\$150,000****CASE**Pat Kelley v. Crate & Barrel,
No. CV-07-0232 JAM**COURT**United States District Court, Eastern
District, San Diego, CA**JUDGE**

John A. Mendez

DATE

7/25/2008

PLAINTIFF**ATTORNEY(S)**Scott A. Burroughs, Doniger Law Firm,
APC, Culver City, CA**DEFENSE****ATTORNEY(S)**Bart Lazar, Seyfarth Shaw, LLP,
Chicago, IL

FACTS & ALLEGATIONS In December 2006, plaintiff Pat Kelley, an artist, discovered that Crate & Barrel was using what looked like her art images in commercial products. She had not been informed of this use or authorized it.

Kelley maintains a Web site where she displays her unique artwork and the relevant copyright notices.

Kelley sued Crate & Barrel for copyright infringement, claiming that company designers downloaded several of pieces from her Web site, and then used them on lines of wrapping paper, gift cards, ribbons and other items. Kelley further claimed that these items were then put on sale to the public without her knowledge or consent.

The defense claimed that a rogue designer hired by Crate & Barrel had used the designs without the company's knowledge.

INJURIES/DAMAGES Kelley sought unspecified damages to recover the profits reaped from the unauthorized commercial use of her images.

RESULT Kelley accepted Crate & Barrel's Rule 68 Offer for \$150,000.

EDITOR'S NOTE This report is based on information that was provided by plaintiff's counsel. Defense counsel did not respond to the reporter's phone calls.

—Elizabeth Peterson

VENUE UNKNOWN**MOTOR VEHICLE****Bicycle — Underinsured Motorist****Insurer mishandled claim after bicycle accident, plaintiff said****SETTLEMENT****\$116,108****CASE**Kimberly Erskine v. Farmers Insurance
Exchange**DATE**

10/14/2008

PLAINTIFF**ATTORNEY(S)**Cory H. Hurwitz, Hurwitz & Orihuela, LLP,
Universal City, CANicholas Orihuela, Hurwitz & Orihuela,
LLP, Universal City, CA**DEFENSE****ATTORNEY(S)**Terry Lynn Gimenez, Early, Maslach &
Van Dueck, Los Angeles, CA

FACTS & ALLEGATIONS On Oct. 23, 2007, plaintiff Kimberly Erskine, 26, a massage therapist, was riding a bicycle along Rose Avenue in Los Angeles. Sadat Moftakhar, who was in a parked car, opened a car door in front of her, and Erskine struck the door and catapulted over it, landing head first on the pavement.

Erskine had allegedly been following all applicable traffic laws at the time of the accident, including riding on the right side of traffic parallel to the parked cars on her right.

The Los Angeles Police Department performed an on-site investigation and found that Moftakhar had violated California Vehicle Code § 22517.

Erskine filed a claim with her underinsured motorist insurance carrier, Farmers Insurance Exchange, claiming that the company failed to provide a proper response to her proof of loss claim.

Erskine said that she submitted her proof of loss to Farmers Insurance on March 23, 2008, but that the company failed to accept coverage, restrict the amount in dispute, or formally consent to binding arbitration.

INJURIES/DAMAGES *arm; back; chin; elbow; finger; hip; leg; lower back; scar and/or disfigurement; shoulder; swelling; wrist*

Erskine's helmet was broken into pieces by impact, and she was rendered unconscious. She was taken to a hospital emergency room and claimed injuries to her right wrist, right elbow, chin, lower back, hips and right leg.

Erskine alleged scarring to her wrists and right shoulder and arm, as well as a permanent swelling of the distal knuckles on her right ring finger. She submitted \$26,008.02 in medical bills.