



HON. JOHN M. TRUE III (Ret.)

Mediator | Arbitrator | Discovery & Judicial Referee

Representative Cases

BUSINESS & COMMERCIAL CONTRACT

BREACH OF CONTRACT / GENERAL BUSINESS

- Case involving a City's "undergrounding" project pursuant to which telephone, electric and other services are delivered to businesses and homeowners via underground connections. When the construction company which had successfully bid for the project sued the City for nonpayment, the City counterclaimed on various grounds. After extensive motion practice and a three-week trial, jury found in favor of the plaintiff contractor.
- Handled a dispute over the purchase and sale of a retail food establishment in Sunol. One of the parties and several witnesses were monolingual Mandarin speakers.
- Tried a case involving a Korean couple who invested in a small restaurant chain pursuant to immigration provisions granting visas to foreign investors. Under the agreement by which the investment was made, the husband of the couple was employed in the restaurant chain. After the husband had been discharged from employment, the couple sued, claiming that they had been defrauded by the restaurant chain owner. The owner defended, asserting that the husband's failure to perform pursuant to his employment obligations effectively "wasted" the investment.
- Handled a bench trial in a dispute over the sale of a restaurant business in Berkeley, California. The purchaser, an Afghan, wished to open an ethnic restaurant featuring Afghan food, including kebabs. The parties apparently failed to agree on price, and the purchaser defaulted. As well, the owner of the property where the business was situated objected to the sale.

- Mediated a dispute involving the installation of an industrial oven at a Northern California commercial bakery. Plaintiff, owner of the bakery, claimed that the oven was defective and/or had been improperly installed. An explosion in the oven's venting rendered it inoperable. The defendant seller denied liability, asserting that the oven had been properly installed and that the buyer had approved of its condition post-installation. The matter resolved.
- Handled a lengthy and bitter dispute among congregants in an East Oakland Baptist Church. The case involved a dozen separate lawsuits which had to be consolidated, numerous applications for restraining orders, allegations of trespass, theft, voting fraud and battery.

PARTNERSHIP DISPUTES

- Settled a hard-fought partnership dispute involving two East Bay law firms in which allegations of breach of fiduciary duty, breach of contract, and wrongful appropriation of clients and intellectual property were made when one of the partners left the business.
- Matter involving the partnership breakup of two brothers who could not agree on the control and direction of a small East Bay business. Entered findings of fact and conclusions of law which were twice appealed and upheld.
- Handled a bench trial in which two individuals who had previously worked together founded a peptide manufacturing business in Pleasanton, California, entering into a partnership agreement in order to do so. The partners had a falling out which resulted in lawsuits against each other. Numerous claims and counterclaims were included.
- Handled a case involving individuals formerly doing business together dissolved their relationship. One individual later sued the others and their company on various claims, including breach of a non-compete clause, fraud, intentional and negligent interference with economic relationship, and for injunctive relief. The named defendants filed a cross-claim for breach of contract and common counts.