

On March 6, 2017 Gene Brockland prevailed on behalf of his client, Don Wakefield, in an appeal to the 9<sup>th</sup> Circuit Court of Appeals in the copyright infringement case of Wakefield v. Igor Olenicoff and Olen Properties Corp., which Gene had successfully tried in the District Court for the Central District of California. Wakefield is an accomplished sculptor who learned that one of his large granite sculptures had been knocked off and that multiple, unauthorized copies were being prominently displayed by the defendants at various commercial properties in Southern California. The defendants claimed that they just happened to come across cheap copies in China, but the jury rejected their defense. The trial resulted in a \$450,000 jury verdict for Wakefield. After trial, the District Court vacated the jury award, finding the damage proof insufficient, but ordered the knock-offs destroyed.

On appeal, the 9<sup>th</sup> Circuit re-instated the jury verdict, stating that the \$450,000 in actual damages was sufficiently supported by the evidence. The Court of Appeals also affirmed the District Court's order requiring that the infringing copies be destroyed. The decision by the three-judge panel of the 9<sup>th</sup> Circuit was unanimous.

Brockland also represented sculptor John Raimondi in a similar copyright infringement case against the same defendants, resulting in a \$640,000 jury award. That case settled while on appeal to the 9<sup>th</sup> Circuit.