



## → Marisa B. Miller

### Partner

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Marisa Miller is a partner in the Chambers-ranked Business Trial Practice Group and the Office Managing Partner of the San Diego (Del Mar) office. She is a member of the firm's Energy, Construction and Healthcare Teams.

### Areas of Practice

Marisa represents clients in commercial litigation matters, regularly handling complex, multi-party disputes involving contracts, trade secrets, corporate governance, partnership and fiduciary relationships, inverse condemnation and other strict liability claims, business tort and fraud. These matters range from high-stakes, complex commercial disputes to matters involving construction, energy, environmental, statutory, technology and shareholder rights issues. Marisa also handles internal investigations. She is experienced in advising clients in all stages of litigation, from pre-lawsuit strategy and advice to post-trial motions and appeals. Her practice also includes international and domestic arbitration, as well as regulatory matters. Marisa has trial experience, representing clients in jury trials, bench trials and domestic and international arbitrations.

In addition, Marisa has significant pro bono experience, including representing indigent defendants in immigration and criminal cases. Previously, she successfully argued an appeal of a client's sentence before the Seventh Circuit and drafted the first successful motion under the federal Innocence Protection Act, which secured her client access to DNA testing that could demonstrate his innocence.

Marisa is dedicated to gender and diversity issues. She serves on the firm's Women's Leadership Council, and, as a Cuban American, is an active member of the firm's Diversity and Inclusion Attorney Network. In recognition of her commitment to diversity, Marisa was selected as the firm's 2018 fellow for the Leadership Council for Legal Diversity.

Marisa serves as Board Vice Chair for Big Brothers Big Sisters of San Diego County.

### Honors

Woman of Influence in Law, *San Diego Business Journal*, 2023

Woman of Influence in Construction, *San Diego Business Journal*, 2023-2024

Top Leader in Law, *San Diego Business Journal*, 2022

2018 Fellow for the Leadership Council on Legal Diversity

*Legal 500*, Real Estate and Construction Litigation, 2019

## Experience

### Representative Matters

- Represent an engineering firm in connection with the pursuit of delay, disruption and scope change claims relating to the California Highspeed Railway Project.
- Represent a healthcare provider in connection with claims against the general contractor and the design team arising out of the design and construction of a psychiatric hospital.
- Represent a privately-held food and beverage company in an ownership dispute involving contractual, fraud, and breach of fiduciary duty claims.
- Represent a biotechnology company in a federal lawsuit and private arbitration involving claims of trade secret misappropriation and patent infringement.
- Represent a Major League Baseball organization in contractual disputes arising from leases and construction contracts.
- Represent a natural gas and electric utility in a lease dispute involving a decommissioned power generation plant and its cooling water tunnels.
- Advise a natural gas and electric utility regarding franchise issues.
- Secured a favorable settlement on the eve of trial for a California utility in a high-stakes commercial dispute concerning the administration of a request for proposal for resource adequacy and power generation in San Diego.
- Advise private investment management firms with respect to wildfire litigation issues in California.
- Represented a California utility in a multi-billion dollar international arbitration and related regulatory matters arising from claims of defective design of steam generators installed in a nuclear power plant.
- Secured dismissal of a billion-dollar breach of contract and unfair competition claim for a majority shareholder of a Peruvian utility.
- Secured a favorable settlement for a utility in connection with a dispute with another utility regarding certain administrative and general accounting costs with respect to the operation of a nuclear power plant.
- Advised an energy services holding company and its subsidiary utility in the defense of 20 lawsuits alleging tort and inverse condemnation claims arising from property damage as a result of the 2008 Sesnon wildfire.
- Represented an energy services holding company and subsidiary utility in defending mass tort and inverse condemnation claims filed by thousands of plaintiffs in excess of \$1 billion arising from 2007 San Diego wildfires.
- Secured a favorable settlement of construction defect and fraud claims for a diversified real estate company.

## Articles

- Beyond Inverse Condemnation in Wildfire Litigation: An Oregon Jury Finds Utility Liable For Negligence, Trespass And Nuisance  
*ABA Forum on Construction Law- Division 10*, Summer 2023

- Destroy the Records, Destroy the Corporate Veil  
*Daily Journal*, 09.29.2023
- Rebuilding in the Wake of Disaster  
*Claims*, March/April 2021

## Construction & Infrastructure Law Blog

- "Beyond Inverse Condemnation in Wildfire Litigation: An Oregon Jury Finds Utility Liable for Negligence, Trespass and Nuisance," June 20, 2023

## Trade Secrets Law Blog

- "Healthcare Res. Mgmt. Grp., LLC v. Econatura All Healthy World, LLC – A Cautionary Tale: Meticulous or Careless Strategy Required to Prove Your Trade Secret Claim," January 3, 2022
- "As A Reminder That California Has Rejected The Doctrine Of Inevitable Disclosure, Court of Appeal Rules Knowledge Of Former Employer's Trade Secret Information Does Not By Itself Constitute Misappropriation," October 19, 2020

## Media Mentions

As Lawsuits Mount Over Maui Wildfires, Hawaiian Electric Hints at Defenses  
*ALM*, 08.22.2023

Buffett Unit's Potential Wildfire Liability Stokes Industry Fear  
*Bloomberg*, 07.18.2023

Sheppard Mullin names managing partners for San Diego offices  
*Daily Journal*, 03.21.2023

California Legislation And Regulation To Watch In 2019  
*Law360*, 01.01.2019

SoCalGas Nabs \$170K Fees In Wildfire Damage Row  
*Law360*, 11.16.2016

## Speaking Engagements

Speaker, "ESI Negotiation," San Diego, CA, May 2022

Speaker, "COVID-19's Impact on the Energy Industry," San Diego, CA May 2020

Speaker, "Fundamentals of Taking Depositions," Mastering the Deposition in CA, June 2019

Speaker, "The Broad Implications of Public Utilities Code Section 2106," San Diego, CA, May 2019, and Los Angeles, CA, June 2019

Speaker, "The New Abnormal: Recent Legal Developments Affecting Wildfire Liability," San Diego, CA, April 2019

Speaker, "Fundamentals of Law and Motion Practice," Los Angeles, CA, January 2019

Speaker, "Fundamentals of Law and Motion Practice," Los Angeles, CA, February 2018

Speaker, "Legal Ramifications of Natural Disasters – Lessons Learned from Litigation and Emergency Response to Natural Gas Leaks and Wildfires," ACI's Third Annual Women Leaders in Environmental & Energy Law, New Orleans, LA, 2017

Speaker, "Strategies for Defending Against Wildfire Litigation," Portland, OR, June 2016

Speaker, "Limitations of Liability in Commercial Contracts," San Diego, CA, February 2016

Moderator, "State Storage Initiatives, Challenges and Opportunities," Energy Storage Week 2016, San Diego, CA, January 2016

## Events

Preparing for and Participating in Mediation  
Webinar, 07.26.2022

## Memberships

Board Vice Chair, Big Brothers Big Sisters of San Diego County

ChIPs

California Lawyers Association – Business Law and Litigation Sections

Minority Corporate Counsel Association

California Minority Counsel Program

Association of Women in Water, Energy and Environment

Leadership Council on Legal Diversity

Association of Business Trial Lawyers

Lawyers Club of San Diego

J. Clifford Wallace American Inn of Court

## Practices

Litigation

Alternative Dispute Resolution

Appellate

E-Discovery

Wildfire Litigation

International Reach

Construction

Trade Secrets  
Appellate  
Healthcare  
Intellectual Property

## Industries

Energy, Infrastructure and Project Finance  
Construction  
Healthcare  
Food and Beverage

## Education

J.D., Northwestern University School of Law, 2006, *Northwestern University Law Review*, Associate Editor; Dean's List; Kirkland & Ellis Diversity Fellowship Recipient, 2005  
B.A., Philosophy, Politics and Economics, University of Pennsylvania, 2002

## Clerkships

Extern to the Honorable Amy St. Eve, Northern District of Illinois

## Admissions

California  
Illinois  
U.S. District Court for the Southern District of California  
U.S. District Court for the Northern District of Illinois  
U.S. Court of Appeals for the Seventh Circuit