



## PHILIP D. DRACHT

### FABIAN & CLENDENIN

215 South State Street, Suite 1200

Salt Lake City, Utah 84111-2323

TEL: 801-323-2251

EMAIL: [pdracht@fabianlaw.com](mailto:pdracht@fabianlaw.com)

#### AREAS OF PRACTICE:

- Complex Litigation
- Employment
- Energy & Utilities

#### PRACTICE SUMMARY

Philip Dracht, a shareholder in Fabian, is a trial lawyer in our litigation and employment departments. He focuses on complex litigation and class actions, with experience in product liability and consumer litigation, intellectual property (copyright, trademark, and trade secrets) disputes, real estate disputes, and business litigation.

Phil has served as defense counsel in several "bet the company" class actions. He has also served as class counsel in cases in Nevada involving failed condominium projects, wage and hour cases in California, and consumer class actions. Having represented both plaintiffs and defendants in this type of high-stakes litigation, Phil has a unique perspective which helps him best represent his clients.

In addition to this class action experience, Phil litigates a number of cases involving contractual disputes, business disputes, unfair competition claims, and trade libel claims.

#### PROFESSIONAL

- Admitted to the California State Bar, 2002; all California State Courts, the U.S. District Courts for the Northern District of California, the Central District of California, and the Southern District of California; Utah State Bar, 2007; U.S. District Court, District of Utah

#### EDUCATION

- J.D., School of Law, University of Michigan, 2001
- Pew Charitable Trusts Summer Fellow, University of Notre Dame, South Bend, Indiana, 1996
- B.A., Political Science, Philosophy, History, Calvin College, 1993

#### COMMUNITY SERVICE

- Volunteer Attorney, Tuesday Night Bar (organization that

provides free legal consultations to members of the general public)

- Supervising Attorney, University of Utah, S.J. Quinney College of Law, Small Business Clinic

## REPRESENTATIVE PROJECTS

- Phil represents business owners, both as plaintiffs and as defendants, in cases involving breach of contract, unfair business practices, real estate transactions, broker duties, ownership disputes, breach of fiduciary duty, tortious interference with contract or prospective relations, fraud, and conspiracy.
- Phil understands that a trial is not the goal for most clients. Therefore, he also provides advice and counsel and employs strong negotiating skills to help avoid litigation where appropriate or to resolve the issue as early as possible. In cases where litigation is necessary to protect the clients' business interests, Phil aggressively pursues well-designed strategies which lead to lasting and profitable business solutions as well as litigation victories.
- Phil has served as counsel for defendants and plaintiffs in several high-stakes class actions. These matters have often involved multiple law firms, multiple parties, and large-scale document productions.

For example, he recently represented a large manufacturer in a products liability class action seeking at least \$70 million in damages. Had the plaintiffs been successful with their tactics, the company would have suffered dire consequences. He was part of a team that tenaciously defended the plaintiffs' claims and forced an advantageous settlement which insulated his client from further liability and claims at minimal cost. He also recently successfully served as defense counsel for an internet company in a gender discrimination class action brought under California's Unruh Civil Rights Act.

- In addition to his work as defense counsel, Phil has also served as plaintiffs' counsel in multiple class actions. Phil served as a key member of a team that has successfully taken on some of the largest companies in America. His experience as class counsel in these high-stakes cases has given him a unique perspective on the class action machinery in both its strengths and weaknesses.

These cases involved real estate purchases, claims against telecommunications providers, and wage and hour law.

- Phil has extensive experience in litigating intellectual property cases in both state and federal court. These cases have ranged from straightforward infringement claims involving the copying or improper use of a copyright or trademark, to more complex cases involving novel questions of infringement and unfair competition. This

litigation experience helps Phil works with clients to identify and secure protection for their intellectual property assets.

- Phil has represented both plaintiffs and defendants in bringing and defending against unfair competition claims. Phil recently worked to obtain a preliminary injunction and settlement in federal court on behalf of one of the nation's largest alarm monitoring service provider against its competitors for unfair competition in an action alleging various Lanham Act and consumer fraud violations.
- Phil is currently working with a team of litigators in defending a mining company in defending a federal investigation as well as a highly publicized catastrophic torts lawsuit. With the survival of the company at stake, the team has handled the defense using an aggressive and efficient strategy.