

## Rico Rosales

PARTNER EMERITUS

Litigation

*Palo Alto*



### FOCUS AREAS

Employment Litigation

Litigation

Trade Secret Litigation

### HIGHLIGHTS

#### **An Employment Law Veteran**

Rico practiced employment law for over 35 years, and his practice encompassed all aspects of the field, including counseling and representing clients in litigation matters.

#### **Extensive Trial Experience**

He represented clients in several jury and non-jury trials, including discrimination, wrongful termination, and class action matters, and successfully defended cases against the Equal Employment Opportunity Commission and the Office of Federal Contract Compliance Programs.

#### **Employee Mobility and Trade Secret Advisor**

Rico advised clients on employee mobility and trade secret misappropriation issues, including non-compete agreements, employee raiding and solicitation matters, and preventative measures to minimize risks associated with hiring competitors' employees or having employees depart to work with competitors.

#### **A Recognized Leader**

He has been recognized as a leader in his field numerous times by *Northern California Super Lawyers*.

### EXPERIENCE

Ulrico (Rico) Rosales retired in 2024 from Wilson Sonsini as a partner in the firm's employment law practice. Before retiring, Rico had practiced employment law for more than 35 years—30 of them in Silicon Valley—and had seen virtually every type of employment issue faced by technology and growth companies. Rico's practice encompassed all aspects of employment law, including counseling and representing clients in litigation matters.

Rico represented clients in several jury and non-jury trials, including discrimination, wrongful termination, and class action matters. He successfully tried numerous discrimination cases, including race, sex, age, and disability cases. His trial experience also included successfully defending cases against the Equal Employment Opportunity Commission (EEOC) and the Office of Federal Contract Compliance Programs (OFCCP). Rico also routinely handled litigation matters involving wrongful termination, sexual harassment, constructive discharge, breach of contract, wage and hour and fraud.

Rico drew on his extensive litigation practice when counseling clients. On a daily basis, he would consult with human resources professionals, executives, and board members regarding all aspects of the employment relationship. These issues included preventive personnel practices, employee terminations, workplace investigations (including those involving sexual harassment), wage and hour matters, independent contractor audits, and reductions in force. He also advised companies regarding

employment due-diligence matters in the merger and acquisition context. In addition to the scores of clients Rico represented in the technology field, he frequently advised venture capital firms on employment matters and also was called upon to advise the management teams of companies being acquired by other companies.

A significant portion of Rico's practice involved advising companies on employee mobility and trade secret misappropriation issues, including the interpretation and enforceability of non-compete agreements, employee raiding and solicitation matters, and counseling clients as to preventive measures designed to minimize the risks associated with hiring competitors' employees or having employees depart to work with competitors. Throughout his career, Rico counseled hundreds of technology and life sciences companies dealing with such issues and represented companies in approximately 25 court actions involving these matters. For example, he represented Broadcom in *GlobeSpan v. O'Neil*, which resulted in a California federal court decision declaring that the inevitable disclosure doctrine is not the law of the state.

Rico regularly spoke on employment matters. He also commented for numerous publications, including the Los Angeles Times, the San Jose Mercury News, Business Week, and legal-profession newspapers. From 2001 until his retirement, San Jose Magazine identified him as one of Silicon Valley's best employment lawyers. Additionally, Rico provided pro bono legal services to several Bay Area nonprofit organizations.

Rico is a former co-chair of the firm's Nominating Committee and a former member of the Policy Committee.

Rico is a former law clerk to the Honorable Zita L. Weinshenk of the U.S. District Court for the District of Colorado. He had also served as the managing partner of the Palo Alto office of McCutchen, Doyle, Brown & Enersen.

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## CREDENTIALS

### Education

- J.D., Yale Law School, 1983
- B.A., Economics and Political Science, Yale College, 1980  
*Cum Laude*

### Associations and Memberships

- Member, Labor Committee, American Bar Association
- Member, Santa Clara County Bar Association
- Member, Palo Alto Bar Association

### Honors

- Named in the 2007-2018 editions of *Northern California Super Lawyers*

### Admissions

- State Bar of California
- State Bar of Colorado

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## MATTERS

### Select Transactions

- Successfully represented Sun Microsystems at trial in an age discrimination, breach of contract, and fraud action brought by a former executive.
- Represented Infosys Technologies in what *The New York Times* referred to as "the most high profile [sexual harassment case] in India's corporate history."
- Successfully represented Broadcom Corporation and three individual employees in injunction proceedings against efforts by Intel Corporation to prevent Broadcom from employing the employees.
- Successfully represented United Airlines in jury trial of age discrimination claims brought by the EEOC, and trial of disability discrimination action brought by the OFCCP.

Provided employment advice to scores of companies, including:

- Airgo Networks
- Amkor Technology

- Apttus
- Brocade Communications Systems
- Broadcom Corporation
- Cutera
- Digital Equipment Corporation (acquired by Compaq Computer)
- DocuSign
- Docker
- Dolby
- eHealth
- Exxon Corporation
- FanDuel
- ForgeRock
- General Electric Company
- Google
- Infosys Technologies Ltd.
- Jitterbit
- Johns Mansville
- Juniper Networks
- Koret Foundation
- Lattice Semiconductor
- Mattson Technology
- Mayfield Fund
- Nassda Corporation (acquired by Synopsis)
- NetApp
- Network Appliance
- Neustar
- Nutanix
- Omnivision Technologies
- Overture (acquired by Yahoo)
- RadiumOne
- Rambus
- RGB Networks
- Roblox
- Salesforce
- Sequoia Capital
- Shaklee
- SolarCity
- Solectron Corporation
- Sun Microsystems
- Symantec
- Tacit Networks
- United Airlines
- WageWorks
- Worldview Technology Partners
- Zscaler

## INSIGHTS

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### Select Publications

- Co-author, "Handling the Wrongful Discharge Action," Chapter in *The Personal Injury Handbook: Forms and Procedures*, James Publishing Group, 1991