

## Client Success Story



### Background

At the time of availing itself of Daniel Mestaz's law expertise, Dual Path focused on providing wireless technology services for senior living communities. Eric Markow was a principal of the company, and employees, namely the COO and corporate secretary, who also happened to be a romantic couple, claimed they were majority owners. Taking their belief of ownership too far, they not only "fired" Eric, but also decided to drain the company bank accounts of well over \$100,000 that they knew was allocated for expensive wireless network projects Dual Path was committed to complete. In addition, it was clear the duo would try to interfere with not only the business, but also the customers' wireless service. Settlement talks and mediation attempts were not successful. Eric knew it was time to involve legal counsel capable of stifling the ugly situation and getting him justice, so he reached out to an attorney friend who referred him to Dan Mestaz.



### Industry

Ultra-high speed Internet access, smart systems, enhanced service offerings, and the connected home.

### Products and Services

- Large Scale Networks, Wired and Wireless
- Turn-key Solutions
- Technology Lifecycles
- Highly Reliable, Mission Critical Systems

### Challenges

- Dual Path's true ownership needed to be proven.
- The stolen funds needed to be addressed.
- A course of legal action needed to be considered if the threats to interfere with the business and its customers came to fruition.
- The defendants propensity for dishonesty would likely continue during the trial.
- There were many complex issues involved in the case.



“Dan is such a pro and so smart. He understands how to put together a highly persuasive argument. I wouldn't want to oppose him! Having him on our team was just a really, really fantastic thing and I felt pretty bad for the poor guy who flew in from Dallas to represent the other side - they got their ass handed to them.”

“I wouldn't hesitate to call Dan again, and I have over the years for advice. He's pretty extraordinary as an attorney.”

“The way Dan is able to compose his thoughts, the approach that he takes to preparation for trial... when you're in front of a judge there's such limited time. I remember very vividly this image of the other side's attorney, frantically digging through a briefcase and these accordion file folders for about 7 minutes. He couldn't even find his own evidence, but Dan told the court he could show it, and that's exactly what he did. Dan has a little, magic laser pen, and he just 'wands' over this bar code, which then displays the image, document, recording, or whatever to the whole courtroom, instantly.”

“That precious time you have in front of a judge or jury, it's just so valuable. And the fact that he's mastered this technology, to be able to have all the documents and everything at his fingertips, it really makes such a huge difference in terms of his efficacy as an attorney. You're basically trying to convince the judge or jury of your point of view, and he's able to do it concisely and in a way that's irrefutable. Dan also understands the technology behind forensic metadata and digital fingerprints, which is the embedded information in, for example, an email, that proves its authenticity beyond dispute.”



## Our Solution

- Daniel Mestaz collected all relevant evidence and documents in preparation for developing his approach to the situation and the bench trial.
- Using The Chron, all documents were given a bar code for easy reference and presentation to the court. Two examples of the use of this proprietary technology during the case by Attorney Mestaz – (1) he was able to display a document to the court that was actually from the opposing side when their attorney could not locate it (even after a lengthy search of his physical files in the midst of the trial); and (2) one of the defendants was lying while testifying, and he was able to quickly show the court a document, previously validated (during deposition) by the same individual, that refuted the untruthful testimony.

## Outcome

- An emergency preliminary injunction for the return of stolen Dual Path funds was obtained.
- A bench verdict in Eric's favor ruled that he was indeed the majority owner of the company, and entitled to a substantial amount in fees and costs from the defendants. When it became clear this amount would be uncollectable, a settlement making Eric 100% owner was negotiated.
- Under Eric's ownership, Dual Path has expanded its services and offerings, and grown exponentially, now having over 35 full-time employees.

