

BIRD MARELLA^{P.C.}

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YEAR IN REVIEW 2018





Paul S. Chan Managing Principal

FROM THE MANAGING PRINCIPAL

We are proud to present Bird Marella's 2018 Year in Review.

This past year, our firm focused on what it does best: trying and winning white collar criminal and complex commercial cases. Together, our 46 lawyers spent nearly 600 attorney-days in trial, exemplifying the depth of our courtroom practice.

The results speak for themselves. On the criminal litigation side, our defense team obtained dismissals and acquittals on 37 of 46 counts after a four-month jury trial in one of the largest environmental crime prosecutions in California history. As a result, our client, the largest oil pipeline company in North America, avoided convictions on all major charges. On the civil side, we represented the world's largest plastic pipe manufacturer in a sprawling False Claims Act lawsuit involving claimed nine-figure damages. After a five-week trial, the judge capped potential damages at \$2 million, then later declared a mistrial after the jury was unable to find that plaintiffs had suffered damages in any amount.

In continuation of the firm's long-standing commitment to providing pro bono legal services, our lawyers were also retained by the Los Angeles County Bar Association and other public interest organizations to file an amicus brief in support of a successful California Court of Appeal challenge. The Court of Appeal ultimately published an opinion requiring

all California courts to hold an "ability-to-pay" hearing before imposing court fees and fines on indigent parties.

We continued to grow from within in 2018, elevating three attorneys (all women) to principal or of counsel positions. All three possess exemplary leadership, superior trial skills, and proven ability. We also welcomed six new attorneys to the firm, further adding to our already deep bench.

Bird Marella continues to be recognized as one of the top litigation firms in the nation by leading legal publications such as *Chambers and Partners* and the *Daily Journal*, and we are equally proud to have been selected by *Law360* as one of the Best Law Firms for Minority Attorneys.

Since our founding nearly four decades ago, we have strived to provide superior trial and litigation services to clients within a firm culture that is at once collaborative, creative, and multigenerational. That same focus guides us as we look forward to delivering unsurpassed legal services to clients in the year ahead. From our team to yours, best wishes for continued success in 2019.



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NEW ADDITIONS



JULIA B. CHERLOW

A graduate of Stanford Law School, Julia has considerable experience litigating high-stakes matters in the fields of entertainment, business torts, employment, malpractice, and intellectual property.



TRISTAN S. FAVRO

Tristan focuses on securities litigation, complex business disputes, and government investigations. He is highly experienced in representing clients in federal securities actions and shareholder derivative lawsuits in state and federal courts. Tristan is a cum laude graduate of New York University School of Law.



ELLIOT C. HARVEY SCHATMEIER

Elliot represents clients in antitrust, white collar, and complex litigation matters. He has represented clients in both state and federal courts and has extensive trial experience. Elliot received his J.D. from Columbia Law School.

NEW ADDITIONS



CHRISTOPHER J. LEE

A cum laude graduate from Harvard Law School, Christopher represents clients in complex commercial and white collar matters. He has also worked on a variety of pro bono matters, including civil rights, asylum, and capital punishment cases.



NAOMI S. SOLOMON

Naomi represents clients in complex litigation and white collar matters. A graduate of the University of Chicago Law School, she joined the firm after serving as a law clerk to the Honorable Dale S. Fischer of the United States District Court for the Central District of California.



JIMMY THREATT

Jimmy Threatt focuses his practice on white collar criminal defense. Prior to joining the firm, he clerked for the Hon. John M. Walker, Jr. of the United States Court of Appeals for the Second Circuit and the Hon. Ronnie Abrams of the United States District Court for the Southern District of New York. Jimmy received his J.D. from Stanford Law School.

VICTORIES

Victory in Entertainment Arbitration

*Ekwan E. Rhow
Peter A. Goldschmidt*

Prevailed in a JAMS arbitration, defeating fraud claims brought against Ryan Kavanaugh, the owner of media company Relativity Holdings.

Won Settlement for Low Income Residents in Pro Bono Matter

Jeremy D. Matz

Secured a favorable settlement in a high profile pro bono matter for low income tenants displaced from residential motels as a result of action taken by the City of Costa Mesa.

Obtained Complete Dismissal of Felony Failure-to-Report Charges

Benjamin N. Gluck

Obtained complete dismissal of filed felony charges alleging the client, a skilled nursing facility, had failed to comply with the mandated reporter laws.



HIGHLIGHT Plains All American Pipeline

Successfully defended Plains All American Pipeline, the largest pipeline company in North America, in historic environmental crimes case.

After a four-month trial, Bird Marella obtained dismissal of 37 out of 46 counts, avoiding convictions on the most significant charges.

Plains defense team from left to right: **Ray S. Seilie, Gary S. Lincenberg, Ariel A. Neuman, Naeun Rim**

VICTORIES

Jury Trial Victory for Owners of Sports Apparel Company

Ekwan E. Rhow

Kate S. Shin

Fanxi Wang

Won jury trial on behalf of owners of a large sports apparel company against claims brought by their former partners for fraud and breach of contract after a 20-year partnership involving hundreds of millions of dollars dissolved.

Complete Dismissal of Long-Term Care Elder Abuse Matter

Benjamin N. Gluck

Secured a complete dismissal of all charges in a criminal complaint filed against a Director of Nursing and two other mandated reporters at a California long-term care facility who were charged with failure to report alleged elder abuse.

Secured Victory in Breach of Fiduciary Duty and Defamation Jury Trial

Paul S. Chan

Shoshana E. Bannett

Obtained a complete defense verdict in a hotly-contested breach of fiduciary duty, defamation, and intentional infliction of emotional distress trial on behalf of a technology services company.



HIGHLIGHT JM Eagle

Secured victory for JM Eagle, the world's largest plastic pipe manufacturer, in a high profile qui tam trial involving nine-figure damages relating to alleged non-compliant PVC pipe.

Bird Marella successfully convinced the court to cap potential damages at \$2 million before the jury was ultimately unable to agree that any damages were owed, leading to a mistrial.

JM Eagle defense team from left to right: **Shoshana E. Bennett, Paul S. Chan, Ekwon E. Rhow, Marc E. Masters, Kate S. Shin**



Nicole Rodriguez Van Dyk Principal

AWARDS & ACCOLADES

CHAMBERS AND PARTNERS USA

Firm

Litigation: White Collar Crime & Government Investigations

Litigation: General Commercial

White Collar Crime & Government Investigations

Terry W. Bird
(Senior Statesmen)

Benjamin N. Gluck

Gary S. Lincenberg
(Band 1)

Vincent J. Marella
(Senior Statesmen)

CHAMBERS AND PARTNERS USA (CONT'D)

General Commercial

Ekwan E. Rhow

Media & Entertainment

Ronald J. Nessim

CHAMBERS AND PARTNERS GLOBAL

Trial Lawyers

Terry W. Bird
(Senior Statesmen)

BEST LAW FIRMS

White Collar Criminal Defense *(Tier 1)*

Commercial Litigation *(Tier 1)*

Trust & Estates *(Tier 1)*

Environmental Law

AWARDS & ACCOLADES

AMERICAN COLLEGE OF TRIAL LAWYERS

Ekwan E. Rhow
(2018 inductee)

Terry W. Bird

Gary S. Lincenberg

Vincent Marella

A. Howard Matz

DAILY JOURNAL

Top Boutiques

Among 20 Firms Recognized

Top 40 Under 40

Ariel A. Neuman

NATIONAL LAW JOURNAL

Elite Boutique Trailblazers

Paul S. Chan

Mark T. Dooks

Ronald J. Nessim

BENCHMARK LITIGATION

Under 40 Hot List

Ariel A. Neuman

Nicole Rodriguez Van Dyk

Timothy B. Yoo

LOS ANGELES BUSINESS JOURNAL

Top Litigators

Gary S. Lincenberg

Ekwan E. Rhow

Most Influential Minority Attorneys

Paul S. Chan

Ekwan E. Rhow

500 Most Influential People in Los Angeles

Terry W. Bird

BEST LAWYERS

Sharon Ben-Shahar Mayer

Terry W. Bird

Joel E. Boxer

Paul S. Chan

Mark T. Dooks

Thomas R. Freeman

Benjamin N. Gluck

Gary S. Lincenberg

Vincent J. Marella

Jeremy D. Matz

Ronald J. Nessim

Thomas V. Reichert

Nicole Rodriguez Van Dyk

Dorothy Wolpert

AWARDS & ACCOLADES

CENTURY CITY BAR ASSOCIATION

Trial Lawyer of the Year

Paul S. Chan

SOUTHERN CALIFORNIA SUPER LAWYERS

Sharon Ben-Shahar Mayer

Terry W. Bird

Joel E. Boxer

Paul S. Chan

Mark T. Drooms

Thomas R. Freeman

SOUTHERN CALIFORNIA SUPER LAWYERS (CONT'D)

Benjamin N. Gluck

Gary S. Lincenberg

Vincent J. Marella

Jeremy D. Matz

Ronald J. Nessim

Ariel A. Neuman

Thomas V. Reichert

Ekwan E. Rhow

White Collar Top 100

Terry W. Bird

Benjamin N. Gluck

Gary S. Lincenberg

SOUTHERN CALIFORNIA RISING STARS

Julia B. Cherlow

Gopi K. Panchapakesan

Nicole Rodriguez Van Dyk

Fanxi Wang

Women's Southern California Up and Coming 100

Nicole Rodriguez Van Dyk

Women's Southern California Up and Coming 50

Nicole Rodriguez Van Dyk



Founding Principals from left to right: **Vincent J. Marella, Terry W. Bird, Joel E. Boxer, Dorothy Wolpert, A. Howard Matz**



Timothy B. Yoo Principal

BY THE NUMBERS

OVERVIEW

35+

Years in Practice

46

Attorneys

30

Former Judicial Law Clerks

7

Former Assistant United States Attorneys

5

Fellows of The American College of Trial Lawyers

DIVERSITY

2nd

Highest Percentage of Attorneys who are Women of Color (*Law360*)

Top 3

Best Law Firms for Minority Attorneys (*Law360*)

54%

Percentage of Attorneys who are Minorities

BY THE NUMBERS

PRO BONO

\$2 million

Donations to Charitable Organizations and Causes over the Past 10 Years

2500

Hours Dedicated to Pro Bono Matters

COMMUNITY INVOLVEMENT

Bird Marella has been and will continue to be committed to creating positive influence and change within the community. Throughout 2018, the firm contributed to the following civic and charitable organizations devoted to helping the disabled, the underprivileged, and youth.



BIRD MARELLA^{PC}

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BIRD MARELLA litigates complex civil and white collar criminal matters in state and federal courts across the United States. For more than 35 years, we have built our reputation on the quality of our lawyers and the outstanding results we achieve for our clients.

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