



Elliot C. Harvey Schatmeier

Partner

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☎ 310.201.2100

Practices:

Complex Business Litigation, Real Estate, Securities Litigation, Health Care Litigation, Fraud, Qui Tam, Civil RICO

A partner at Bird Marella, Elliot Harvey Schatmeier focuses his practice on trying complex business disputes, including breach of contract and business tort cases, commercial fraud, disputes arising from complex business transactions, as well as breach of fiduciary duty and professional liability matters.

He frequently litigates in state and federal court and represents Fortune 500 companies and large private companies in the technology, banking, real estate, healthcare, entertainment, and cannabis industries.

In securities matters, he represents publicly traded broker-dealers in lawsuits and customer dispute arbitrations. In real estate matters, Elliot has represented national brokerages in litigation arising from acquisitions or other business torts. In cannabis matters, Elliot represents a host of businesses, including venture capital firms, commercial lenders, and ancillary businesses, in lawsuits and arbitrations around the country.

Prior to joining the firm, Elliot worked at Kirkland & Ellis in New York, where he represented board members, C-suite executives, and corporations in connection with complex commercial transactions and government investigations. He has also represented defendants in several consumer protection and securities class actions.

Elliot is a graduate of Columbia Law School. While in law school, Elliot externed at the Queens County District Attorney's Office where he prosecuted several dozen domestic violence cases.

Education, Clerkship & Admissions

- Columbia Law School, J.D., Harlan Fiske Stone Scholar, 2013
- University of California, Berkeley, B.A., 2008

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- Law Clerk to the Hon. Henry B. Pitman, U.S. District Court, Southern District of New York
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- California, 2018
- New York, 2014
- U.S. Court of Appeals for the Second, Third, Ninth, and Eleventh Circuits
- U.S. District Courts of California for the Central, Northern, and Southern Districts
- U.S. District Courts of New York for the Southern and Eastern Districts
- U.S. Bankruptcy Court for the Central District of California

Notable Matters

Complete defense victory for Compass Inc. in multi-million-dollar fraud arbitration brought by rival brokerage. Plaintiff had alleged that Compass fraudulently induced it to join Compass under false pretenses and sought compensatory and punitive damages. After a week-long arbitration, Elliot, lead trial counsel, convinced the arbitrator to find for Compass and reject all of Plaintiff's claims.

Obtained a complete defense victory for brokerage firm in a FINRA arbitration involving more than \$40 million dollars in alleged damages. Although motions to dismiss are rarely granted in FINRA arbitrations, the three-arbitrator Panel unanimously granted Bird Marella's motion to dismiss the case at the close of the claimant's evidence.

Secured a complete dismissal of all claims asserted against client Compass (NYSE: COMP), a top real estate brokerage, in a federal trade secrets lawsuit brought in the Central District of California by one of its competitors. The Court granted the firm's motion to dismiss in its entirety on the first attempt.

Trial counsel for two families in a high-profile dispute with developer Mohamed Hadid regarding an illegal mansion Hadid built in Bel Air. Following a six-week trial in which every lawyer, witness, and juror wore masks (and some jurors and witnesses participated by Zoom), secured a multi-million dollar verdict for clients as well as an order requiring that the mansion be demolished.

Litigation counsel for a publicly-traded California bank in a complex fraudulent transfer action against the financial institution's former customers arising from their failure to repay a \$9 million commercial loan. After taking over the case for another law firm, defending multiple dispositive

motions, and vigorously pursuing discovery against newly-named parties, the defendants agreed to pay a favorable settlement on the eve of trial.

Counsel for healthcare company in an internal investigation involving accounting irregularities. The investigation resulted in remedial actions taken by the client.

Litigation counsel for a prominent California law firm in a False Claims Act case of first impression, alleging the firm “fraudulently” induced its former client, a public agency, to disburse several million dollars in public funds. Elliot and Bird Marella aggressively litigated the relator’s standing to pursue the case, and obtained a writ of mandate from the California Court of Appeal finding that the relator had a conflict of interest that precluded them from participating in agency decisions relating to the lawsuit. After filing summary judgment motions, then persuading the Court of Appeal to stay all trial court proceedings, Elliot and Bird Marella were able to settle the case for a small fraction of the public funds at issue.

PRO BONO EXPERIENCE

Since 2020, Elliot has been a proud member of the Board of Directors to the Survivor Justice Center, whose mission is to secure justice for survivors of domestic violence and sexual assault and empowers them to create their own futures. Elliot and Bird Marella are partners in SJC’s work and have successfully taken on pro bono assignments for those that SJC serves.

Prison Reform

Elliot successfully represented a pro bono client unjustly committed to more than 25 years of solitary confinement in New York correctional facilities, the second-longest tenure in New York State history. After Mr. Proctor’s procedural and substantive due process claims were dismissed at summary judgment, Elliot successfully convinced the Second Circuit to overturn the decision and to set a new standard for procedural due process claims raised by inmates housed in solitary confinement. See *Proctor v. LeClaire*, 846 F.3d 597 (2d Cir. 2017).

Immigration Rights

Elliot has also successfully represented asylum seekers before the Department of Homeland Security, who sought refugee status in the United States on the basis of their LGBT status or their victimization by organized crime.

Associations

- Executive Vice President and Board Member, Century City Bar Association
- Member, Hispanic National Bar Association
- Member, Mexican American Bar Association
- Member, Young Lawyers Division of the Association of Business Trial Lawyers, Los Angeles
- Board Member, Los Angeles Center for Law and Justice

Awards & Recognitions

- Best Lawyers in America: Ones to Watch, Commercial Litigation, Best Lawyers®, 2024-present
- 40 & Under List, *Benchmark Litigation*, 2023-present
- Southern California Rising Stars, *Super Lawyers Magazine*, 2022-present

Publications & Speaking Engagements

Panelist, Collective Voices: Celebrating Latino and Hispanic Heritage Month, October 2023