BIRD MARELLA LLP

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Practices:

Securities Fraud and Insider Trading, Environmental, Business and Financial Crimes, Securities Litigation, Complex Business Litigation

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In the past five years, Mr. Lincenberg's trial success has been unparalleled.

In 2025, the *Daily Journal* recognized Mr. Lincenberg as the *California Lawyer of the Year*.

In 2024, *Global Investigations Review* recognized his San Francisco trial victory in the HP/Autonomy federal criminal prosecution as *Most Important Case of the Year*. *Law360* named him the nation's top lawyer of the week. *Benchmark Litigation* shortlisted Mr. Lincenberg as the top white collar defense attorney in California, an award he previously won in 2021.

His recent victories also include a complete victory in the Bel Air/Mohamed Hadid real estate dispute in a two-month Los Angeles trial, defeating the California Attorney General in a three-month oil spill prosecution in Santa Barbara, and a mid-trial dismissal of all charges in a federal criminal fraud case in San Diego.

Chambers USA always ranks him in the prestigious *Band One category of "Litigation: White-Collar Crime & Government Investigations."*

"Sometimes words in the English language are insufficient. This is one of those occasions. I met Gary 10 years ago as we embarked on a journey to defend my innocence in a U.S. fraud trial.

The entire team at Bird Marella [was] amazing. Together we fought the U.S. government every step of the way and won!! The dedication and commitment to helping me get my life back was unwavering and relentless. He is a truly exceptional lawyer and someone I will stand shoulder-to-shoulder with for the rest of my life. One of a kind, and don't think twice about hiring him. It will be the best decision you make."

-Stephen Chamberlain, Former VP of Finance, Autonomy

"He's an excellent trial lawyer and a fearless advocate. Gary is one of the best lawyers in the state, if not one of the best in the country. In terms of his litigation skills, he's great on his feet and has really good judgment."

-Chambers USA

"Gary represented my company in high-stakes litigation and achieved an outstanding result. He is organized, thorough, and persuasive, and he has a great sense of the best path to success. I would recommend Gary to any General Counsel in need of a Top Gun."

-Eric Lardiere, General Counsel of Meggitt USA

"I feel incredibly fortunate to have been represented by Gary Lincenberg and his firm... Gary believed in me. He developed a brilliant strategy, gave an opening statement that brought me to tears, and eventually got all charges against me dismissed. I am eternally grateful. I couldn't have picked a better legal team to represent and advise me during the most challenging time in my life. [Their] meticulous research, well-constructed strategy, and arguments fully paid off. It resulted in a success I had only hoped for. Getting the case dismissed was the dream victory and [they] did it!"

-Petr Pacas, Advertising Executive

"As the CEO of a software company, I was criminally charged with unfounded allegations relating to certain data privacy issues. Mr. Lincenberg jumped on my case. He developed a smart strategy and then tenaciously and brilliantly carried it out. Within one month of being retained, he persuaded the Court to reverse restrictive bail conditions and then got the entire case dismissed. I owe my freedom to Mr. Lincenberg. I am forever grateful for the way he cares for his clients and has the experience, judgment and brilliance to protect them."

-Eugene Yu, CEO of Konnech, Inc.

Mr. Lincenberg defends freedom. Executives and businesses facing a loss of liberty from government investigations or consequential disputes need an attorney who is savvy in the courtroom with a proven record of winning; has deep experience in dealing with a wide range of strategic, procedural, and factual issues; and offers sound judgment. In these areas, Mr. Lincenberg excels. That is why judges and his peers consistently rank him among the very best trial attorneys in the country. Mr. Lincenberg has handled a wide variety of cases, including securities, intellectual property, real estate, False Claims Act, FCPA, investment, tax, real estate,

banking, money laundering, money remitting, government contractor, economic espionage, export, health care, environmental, public corruption, program fraud, election law, first amendment, entertainment, and defamation cases. Prior to joining Bird Marella, he served as a supervisory Assistant United States Attorney in the Central District of California.

Mr. Lincenberg is a **Fellow of the American College of Trial Lawyers.** He currently chairs Senator Adam B. Schiff's Judicial Selection Commission. He served as the National Co-Chairman of the ABA's White Collar Crime Committee; Co-Chair of the CJS ABA Liaison Committee to the Department of Justice; Lawyer Representative to the Ninth Circuit Judicial Conference; President of the Los Angeles County Chapter of the Federal Bar Association; and Chairman of the ABA Southern California Regional White Collar Crime Committee. Furthermore, Mr. Lincenberg served as Co-Finance Chair of Senator Adam Schiff's successful 2024 campaign and is also an instructor at Harvard Law School's Trial Advocacy Class. He regularly participates in professional activities integral to his success – presenting lectures, writing, and volunteering in the community – along with continually improving his skills in counseling, negotiating, and arguing in court.

Mr. Lincenberg is regularly **recognized among the top white collar defense attorneys** in all of the leading legal publications. ***Chambers and Partners USA*** **ranks Mr. Lincenberg in the selective Band 1 group** – describing him as **"marvelous,"** and **"quick to adapt to changing circumstances in the courtroom."** The *Daily Journal* has recognized him as one of the Top 100 Lawyers in California – one of only five true white collar crime specialists to be honored.

Mr. Lincenberg is best known for his strategic approach to avoiding charges against his clients and for his **superior skills at trial**. Many white collar defense attorneys rarely try a criminal case and have seldom defeated the government at trial. Mr. Lincenberg has **an extraordinary record of success** at trial, including complete victories, or hung juries resulting in dismissals, in five of his last six criminal trials. He has been retained by a host of large companies such as Plains, Providence, Epson, Yahoo, Lennar, Unocal, Marathon Oil, Raytheon, Meggitt, Woodward, Sunrider, Northrop, Las Vegas Sands Corporation, as well as scores of companies and their executives.

Recent significant matters include:

(i) Filed an amicus brief on behalf of 21 United States Senators in *Newsom v. Trump.*

(ii) Following a three-month jury trial, Mr. Lincenberg and his team **won an acquittal on all counts** for the former Vice President of Finance of HP/Autonomy Corporation. The case is considered one of the largest fraud trials ever brought by the U.S. Department of Justice.

(iii) **Won mid-trial mistrial motion to dismiss** after establishing prosecutorial misconduct in case brought by DOJ in Arizona of former Backpage.com executive relating to the publication of content on its website. In 2023, retrial resulted in **acquittal on all fifty substantive Travel Act counts, and conviction of conspiracy and money laundering counts**. Post-trial motions and appeals are pending.

(iv) **Won post-complaint dismissal of criminal complaint** filed by Los Angeles District Attorney against CEO of technology company in case involving alleged release of PII to businesses in China.

(v) **Won mid-trial dismissal of indictment** against advertising industry executive in federal fraud

prosecution brought by DOJ in San Diego.

(vi) **Won dismissal of civil defamation claims** on behalf of a member of Congress.

(vii) **Won civil trial verdict against notorious developer Mohamed Hadid** for illegal construction of $50 million Bel Air mega-mansion, including a multi-million dollar judgment and an order for total demolition of the illegal structure.

(viii) **Successfully avoided prosecution** for three sets of parents in the Varsity Blues prosecutions.

(ix) Worked on behalf of the United States House of Representatives in the **impeachment trial of former President Trump** for abuse of power and obstruction.

(x) **Completed a trifecta of victories** on behalf a government contractor and its principal executive: first, **won dismissal of criminal charges** that had been filed against the executive; second, at trial, **won a multimillion-dollar judgment** for breach of contract against a company that was adverse during the government investigation; third, following litigation through summary judgment, **won a multi-million dollar settlement from another company** that was adverse during the government investigation.

(xi) Secured highly favorable settlement for casino magnate Steve Wynn in securities class action.

Education & Admissions

- Harvard Law School, J.D.
- University of Illinois, B.A., Bronze Tablet Award for Top 1 percent, summa cum laude

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- California
- Federal Courts from the District level to the United States Supreme Court

Other Notable Matters

On behalf of Plains GP Holdings, a Fortune 100 company, in a four-month trial arising out of an oil spill in Santa Barbara. Court orders and verdicts resulted in dismissal on the known felony counts, dismissal of the three individuals, and defeating 99.7% of the State's fines and restitutions claims.

At prelim, obtained a full dismissal of all criminal charges brought by the California Attorney General against the largest construction framing company in the country and its CEO.

Successfully represented KST Data, Inc. and its chief principal – obtaining a dismissal of criminal

charges relating to false claims in connection with a declination of parallel civil charges.

Successfully defended a public company, Woodward Inc., its subsidiary, and the subsidiary's prior owners, in a defective pricing/FCA criminal and civil prosecution by the USAO for the Northern District of Illinois. Obtained declinations against former owners and achieved global monetary settlement for company of ten cents on the alleged dollar.

Successfully directed numerous internal investigations for public companies of false claims allegations where we avoided charges.

As an AUSA in the Government Fraud section, investigated and prosecuted several large FCA cases.

Obtained dismissal with prejudice for Chicago attorney/NFL sports agent in investment fraud case.

Won motion to vacate SEC award involving high profile insider trading case, *United States v. Newman*, and related case SEC v Dosti.

Won dismissal of all charges against the executive of a Chinese public company charged with theft of trade secrets. Mr. Lincenberg's cross-examination in Iowa of FBI agents, which led to the dismissal of the charges, is highlighted in Mara Hvistendahl's book, *The Scientist and the Spy*.

Successfully defended a UCLA professor against felony conflict of interest charge and then prevailed on appeal.

Successfully defended a health care provider against mandatory reporting charges, resulting in dismissal at trial.

Successfully defended a CFO against revenue recognition and options backdating criminal and

SEC prosecutions in New York. Mr. Lincenberg hung the jury in two successive trials leading to dismissal of all charges followed by settlement on a lesser charge with probation.

Obtained defense verdict for a prominent broker-dealer at trial on civil investment fraud charges.

Successful dismissal of charges against an attorney/sports agent charged in San Diego with investment fraud.

Successfully defended companies and executives of public companies in several pending FCPA investigations.

Defended the CEO and owner of a prominent garment industry company charged in a $15 million workers' compensation fraud case, resulting in a probationary sentence.

Successfully represented public telecom company in patent, breach of contract, and internal investigation matters.

Defended a high-profile financial services client in pending criminal and SEC prosecutions involving alleged affinity investment fraud.

Successfully defended religious institutions in a tax, money laundering, and money remitting prosecution that shook a global charitable network. After winning a motion to suppress a search, Mr. Lincenberg settled on the eve of trial with the dismissal of all counts against four of the five organizations, and a small fine against the fifth.

Successfully defended a physician in a seven-week, four-defendant health care fraud trial. After the jury hung 10-2 in favor of acquittal, Mr. Lincenberg persuaded the U.S. Attorney's office to drop the criminal case and settled the civil case on a non-fraud basis for a tiny percentage of the alleged dollar amount.

Represented the former president of a bank considered by the media to be a poster child for the national mortgage crisis in an SEC case and grand jury investigation. All charges were avoided.

Defended a public company under investigation in Southern California for export crimes. After the Assistant U.S. Attorney announced his intention to indict, Mr. Lincenberg persuaded the AUSA's supervisors to overrule this decision and entered into a Non-Prosecution Agreement with zero penalty, believed to be the first of its kind in this area.

Defended a prominent real estate company in a civil prosecution by the Los Angeles City Attorney as part of the highly publicized "billboard wars."

Defended the former CEO of an optical communications company in a shareholder derivative action, resulting in no liability for the executive, following a declination by the SEC.

Defended a founder of a high-tech company in an investment fraud/tax prosecution.

Represented a major real estate developer of one of the largest undeveloped land parcels remaining in Los Angeles County. Mr. Lincenberg defended the client against environment crime charges and, on the eve of trial, reached a favorable civil settlement with the district attorney's office.

Forced a civil settlement for payment in full on behalf of a fiber distribution company.

Defended dairymen throughout the Chino Valley in Clean Water Act investigations related to the release of runoff water. Through creative and aggressive defense strategies, Mr. Lincenberg has resolved each of these cases with no prison sentences for any clients.

Served as lead counsel for a highly successful, private investor in connection with a current, high-

profile insider trading case under investigation by the SEC and USAO.

Obtained a non-fraud settlement for stockbroker clients and a declination of criminal prosecution. Mr. Lincenberg achieved this against the backdrop of numerous others being charged by the DOJ and SEC with fraud and criminal convictions.

Conducted a wide-ranging investigation focused on the export practices of the Orange County unit of a global aerospace consortium. During the international inquiry, Mr. Lincenberg managed the joint defense team for several individuals facing criminal allegations, and led negotiations with the FBI, DOJ, NCIS, IRS, the State Department and other government agencies. Following the issuing of his report and lengthy meetings with the U.S. Attorney's office and government representatives, he persuaded the government to reverse its intent to indict his client.

Earned trial acquittal for a doctor accused of Medicare billing fraud. His client was one of several doctors charged in connection with mobile respiratory therapy. While the other physicians pled guilty, Mr. Lincenberg took the matter to trial and achieved his client's complete acquittal on all counts.

Represented numerous providers in connection with threatened criminal charges arising from alleged violations of standards of care. These include conditions in skilled nursing facilities, care provided at cosmetic surgery centers improper supervision of medical staff, and others. Mr. Lincenberg has successfully convinced numerous agencies to decline to charge such cases and/or even to dismiss those already charged.

Represented a duck farm in a criminal investigation of a workplace death. Mr. Lincenberg eventually persuaded government regulators that his client had not violated any statutes.

Defended a corporation and individual clients in a state occupational safety investigation connected to an explosion at a toy factory, and convinced state prosecutors to decline to bring charges.

Cleared nursing home worker of responsibility, and set new law, in his defense of one of several

nursing home employees charged by the state with violating certain nursing home regulations. Mr. Lincenberg achieved a ruling from the appellate court establishing new law that individual employees cannot be charged with violating these regulations. This caused the entire case to be dismissed.

Successfully defended hospital employees in skid row/patient dumping claims.

Defeated nursing home patient death claims and kickback investigations. In his representation of several nursing homes, Mr. Lincenberg has defended administrators and facilities in various claims. These include defeating claims in connection with patient deaths and investigations into claims of kickbacks from vendors.

Providing continuing counsel to an international government contractor connected to inquiries made by Homeland Security and other agencies concerning vendor sales to sanctioned parties, FCPA violations, fraud and other allegations of wrongdoing.

Conducted dozens of confidential internal investigations for companies in response to whistleblower allegations, private complaints, and government investigations.

Successfully defended Presidential Appointee in public corruption investigation.

Defended the City of Los Angeles in a lawsuit by the estate of rap star Biggie Smalls claiming that city police officers conspired with rap star Suge Knight in his murder. Won the case on summary judgment.

Appellate Decisions

People of the State of California v. Michael Lofchie, (2014) 229 Cal.App.4th 240

United States v. Louis Tomasetta, et al., Case No. 10 Crim 1205 (PAC) (S.D.NY. June 2012) (opinion granting Rule 29 motion)

In re McClatchy Newspapers, Inc., 288 F.3d 369 (9th Cir. 2002) (defense against a press request for confidential information)

Crystal v. United States, 172 F.3d 1141 (9th Cir. 1999) (attack on IRS summons procedures)

United States v. Chen, 99 F.3d 1495 (9th Cir. 1996) (r.e., attorney-client privilege issues)

Alvarez-Machain v. United States, 107 F.3d 696 (9th Cir. 1996) (defense of a government operative)

United States v. Speech, 968 F.2d 795 (9th Cir. 1992) (r.e., intent requirements in environmental prosecutions)

Awards & Recognitions

- Ranked in Band 1 for “Litigation: White-Collar Crime & Government Investigations” by *Chambers USA*
- Fellow of the American College of Trial Lawyers
- Most Important Court Case of the Year, *U.S. v. Lynch et al.*, Global Investigations Review
- Attorney of the Year Finalist, California Legal Awards
- California Lawyer of the Year, *Daily Journal*
- Impact Case of the Year: *USA v. Lynch and Chamberlain*, *Benchmark Litigation*
- America's Top Lawyers, *Forbes*
- Shortlisted, White Collar Crime/Investigations Litigator of the Year, *Benchmark Litigation*
- Ranked in Los Angeles City Elite: White-Collar Crime, *Legal 500*
- Litigation Trailblazer, *The National Law Journal*
- Top 20 Trial Lawyers in California, *Benchmark Litigation*
- Top 100 Trial Lawyers in America, *Benchmark Litigation*
- National Practice Area Star, *Benchmark Litigation*
- Litigator of the Week, ALM/Law.com
- Legal Lion of the Week, *Law360*
- Top 100 Lawyers in California, *Daily Journal*
- Top White Collar Lawyers in California, *Daily Journal*
- America’s Top 100 Bet-the-Company Litigators
- Leading Litigators in America, *Lawdragon*
- 2020 California White-Collar Crime Litigation Attorney of the Year Award, *Benchmark*

Litigation
- California Litigation Star, *Benchmark Litigation*
- Leaders of Influence: Litigators & Trial Attorneys, *Los Angeles Business Journal*
- American Bar Association Criminal Justice Section Award for Outstanding National Leadership
- Top 50 Litigators, *Los Angeles Business Journal*
- The Best Lawyers in America™
- America's Leading Lawyers for Business

Articles & Publications

- Quoted, "Venezuela's Maduro to test US courts' reluctance to apply international law in criminal cases," Reuters, September 2026
- Co-Author, "The Legality of the U.S. Abduction of Venezuelan President Nicolás Maduro," *The International Academy of Financial Crime Litigators*, July 2026
- Co-Author, "Legal issues for employers arising out of ICE raids," *Daily Journal*, July 2025
- Co-Author, "Eulogy of an Acquittal: 'I am an Innocent Man,'" White-Collar Crime - California, Chambers and Partners Global, October 2024
- Quoted, "Litigators of the Week: In Case Prosecutors Described as Silicon Valley's Biggest Corporate Fraud, Two Complete Defense Verdicts," *Law.com*, 2024
- Quoted, "How 3 Firms Cleared 2 Ex-Autonomy Execs In HP Fraud Case," *Law360*, 2024
- Co-Author, "'Property' Fraud in an Intangible Age," Chambers Expert Focus, Chambers and Partners, January 2023
- Co-Author, "'Property' Fraud in the Intangible Age," 37 *American Bar Association Criminal Justice Magazine*, No. 2, Summer 2022; and in *The Champion*, August 2022
- Contributor, "California: An Introduction to Litigation: White-Collar Crime & Government Investigations," *Chambers and Partners USA*, May 2021
- Co-Author, "Here Comes a Wave of Data Privacy Litigation," *Daily Journal*, November 2020
- Co-Author, "United States: White-Collar Criminal Defence," *Global Investigations Review*, October 2015
- Author, "A Secret No More – The Rise of Economic Espionage Prosecutions and How to Litigate Them," *Criminal Justice Magazine*, November 2014
- Co-Author, "United States: White-Collar Criminal Defence," *Global Investigations Review*, October 2014
- Interviewee, "Rainmaker Q&A: Bird Marella's Gary Lincenberg," *Law360,* July 2013
- Absolute Activist Master Fund v. Todd Ficeto, et al., Case No. 11-0221 (2nd Cir. 2012)
- Co-Author, "Dodd-Frank's Impact on Securities Law Enforcement At-A-Glance," ABA Securities Fraud Seminar, 2011
- Author, "Recent Environmental Prosecutions in California," White Collar Crime Institute, 2009
- Author, "Vagueness and Intent Issues in Criminal Export Cases," White Collar Crime Institute, 2008
- Author, "Advising Individuals on When and How to Self-Report Wrongdoing," 26 *Los Angeles Lawyer*, No. 7, October 2003
- Author, "The Art of Killing a Case," *The Criminal Environment*, June 2002
- Co-Author, "A Patriotic Critique of the PATRIOT Act," *Los Angeles Lawyer*, No. 11, February

2002

- Author, “Recent Developments in Money Laundering,” *ABA-CLE Publication on White Collar Crime*, 2001
- Co-Editor, “Environmental Crimes Treatise,” *American Bar Association Press*, 1999
- Author, “Criminal Law Aspects of Campaign Finance Regulation,” *Political Activity, Lobbying Laws, and Gift Rules Guide, Glasser LegalWorks*, 1999
- Author, “Criminal Developments in International Tax,” Annual Meeting of the California Tax Bars, State Bar of California, November 1997
- Author, “Conflicts and Multiple Representation at the Pre-Indictment Stage,” *Criminal Defense Techniques*, Matthew Bender, 1995
- Author, “False Financial Application Investigations,” *Business Crimes Bulletin*, January 1995
- Author, “Critique of the Proposed Federal Sentencing Guidelines for Corporations Convicted of Environmental Crimes,” California Environmental Law Reporter, No. 4, April 1994
- Author, “Issues and Strategies in Defending Criminal Environmental Cases,” Third Annual Environmental Litigation Institute, San Francisco, 1994
- Author, “Hazardous Wastes of Time When the Crime Is Environmental,” 9 *American Bar Association Criminal Justice Magazine*, No. 1, Spring 1994
- Author, “Rough Remedial Justice: Implications of Halper and Austin in Civil Forfeiture Actions,” The 10th National Institute on Criminal Tax & Money Laundering, American Bar Association, December 1993
- Author, “Recent Developments in Federal Prosecution of Environmental Crimes,” *Los Angeles County Bar Environmental Law Section Newsletter,* Fall 1993
- Author, “Sentencing Environmental Crimes,” 4 *American Criminal Law Review 29*, Summer 1992
- Author, “Lowered Intent Requirements in Environmental Crimes Cases,” *7 American Bar Association Criminal Justice Magazine 2,* Summer 1992