BIRD MARELLA LLP

BIRD • MARELLA • RHOW • LINCENBERG • DROOKS • NESSIM



Ronald J. Nessim

Partner

rnessim@birdmarella.com

310.201.2100

Practices:

Health Care Fraud and Regulatory Enforcement, Business and Financial Crimes, Fraud, Qui Tam, Civil RICO, Entertainment, Complex Business Litigation

---

Name partner Ron Nessim is a top trial attorney in each of his three main litigation practice areas: commercial civil litigation; media & entertainment litigation; and white collar criminal defense. With over 40 years of experience, Mr. Nessim has been lead counsel in over fifty federal and state trials and arbitrations, including several groundbreaking cases. He has also argued numerous appeals, including in the United States Supreme Court. The recording of his oral argument before the Supreme Court can be heard at https://www.oyez.org/cases/1999/98-1037. Mr. Nessim's strengths include his attention to detail, tenacity, devotion to his clients, strategic planning and trial skills. In addition to his litigation practice, Mr. Nessim recently became an arbitrator with the American Arbitration Association.

In Mr. Nessim's general commercial civil litigation practice, he represents clients in breach of contract, partnership, real estate, employment and business tort cases in a variety of industries and settings. He has long been recognized as a top commercial civil litigation and real estate litigation by Best Lawyers in America® and other publications.

In the entertainment area, Mr. Nessim usually represents talent, but sometimes represents independent studios. Mr. Nessim was honored in 2024 as a "Legal Legend" by *The Hollywood Reporter*, which noted his "enduring impact on both the entertainment industry and the law." He has also long been ranked as a leading entertainment litigator in *Chambers USA*, Best Lawyers in America®, and other publications.

In the criminal arena, Mr. Nessim was an Assistant United States Attorney in the Major Frauds Section of the United States Attorneys' Office in Los Angeles prior to joining Bird Marella. Over his career, Mr. Nessim has persuaded many prosecutors not to charge individuals and entities whom they had originally planned to charge. Mr. Nessim was selected as the 2015 Criminal Defense: White Collar "Lawyer of the Year" for the Los Angeles area by Best Lawyers in America® and is regularly ranked as a top criminal defense attorney by several publications. Mr. Nessim is a past co-chair of the National ABA White Collar Crime Committee.

Utilizing his civil and criminal defense experience, Mr. Nessim often represents clients facing parallel civil and criminal proceedings.

Representative clients and matters include:

- Represented Anita DePauw, an elderly woman, who was defrauded out of her entire life savings, over $5.25 million in a securities fraud scheme. Went to trial against the perpetrator in Orange County Superior Court in Spring 2026. Court found defendant liable on all causes of action and awarded over $16.3 million in damages, including compensatory, emotional distress and punitive damages.
- Represented client agricultural company that was originally sued in state court in an insurance fraud qui tam proceeding. The parties subsequently stipulated to mandatory arbitration. Following the February 2025 arbitration, the arbitrator ruled in Mr. Nessim's clients favor on all issues.
- Represented and representing Carsey-Werner in various disputes and issues in connection with *The Cosby Show* and in connection with Roseanne's tweets that led to the cancellation of the *Roseanne* series and the creation of *The Conners* series.
- Represented and representing Don Bellisario, creator of the *JAG* and *NCIS* television franchises in a variety of matters, including current audits of the *JAG, NCIS, NCIS: LA* and *NCIS: NO* television series and an earlier state court lawsuit asserting Bellisario's rights in *NCIS: LA*, which resulted in a confidential settlement on the eve of trial in 2013.
- Settled in May 2025, on the eve of an arbitration hearing on the merits, a dispute between our client talent agent and his former partners over commissions in a lucrative motion picture franchise.
- Represented the creator of the *Supernatural* television series, in a several week arbitration against Warner Bros. in 2023. The parties reached a confidential settlement following the arbitration hearing.
- An international tax lawyer in a federal criminal tax and money laundering investigation where in 2022 after a long investigation, the DOJ Tax Division and the United States Attorney's Office was ultimately convinced not to charge our client.
- An actor, who was a target of a federal criminal investigation in connection with her alleged extortion of a number of prominent persons, where, in 2022, after our presentation to the United States Attorney's Office, it declined to bring charges against our client.
- Dick Wolf, creator of the *Law & Order* franchise, in various disputes and issues concerning the franchise.
- SAG-AFTRA in 2020-21 in connection with novel legal issues involving the option and exclusivity provisions in actors' contracts which impacted actor's ability to make a living given changes in the industry.
- Former head of real estate of a large investment management firm in a wrongful termination in violation of public policy case, which settled in a confidential settlement in 2019 on the eve of the arbitration hearing.
- UCLA department chair in a wide-ranging administrative investigation involving his use of university resources for research, which also benefited his faculty start-up company, including allegations of violation of the California Political Reform Act. The investigation was

resolved on terms favorable to our client, including that he would continue as the department chair.

- J.J. Abrams in a profit participation dispute concerning the *Lost* television series which settled in a confidential pre-filing settlement.
- Shonda Rhimes in a profit participation dispute concerning *Grey's Anatomy* that resolved in a confidential pre-filing settlement.
- Former head of a luxury division of Starwood and then Hilton Hotels, in a federal pre-indictment criminal investigation and parallel civil alleged trade secret lawsuit, both in the SDNY, involving the alleged theft of trade secrets and computer fraud. The United States Attorney's Office was ultimately convinced not to charge our client, and the civil case was settled on terms favorable to him.
- Milberg LLP, a law firm, in a sanctions hearing in federal court in San Diego where the defendant corporation in an underlying federal securities class action alleged that the law firm knowingly received and used stolen documents in the underlying case. After a multi-day evidentiary hearing, the court found that the law firm committed no misconduct.
- Former co-president of Tenet Health Care in parallel criminal, SEC, Civil False Claims Act, class action, and derivative proceedings involving Tenet's gross pricing practices and receipt of outlier payments. The criminal prosecutors ultimately decided not to charge our client and we reached favorable settlements for our client in each of the other parallel proceedings.
- Creators of the *Will & Grace* television series, and their agent in a three-month state court jury trial of their profit participation claims where, after the jury agreed on $49.5 million in compensatory damages and made punitive damages findings against defendant NBC Studios, the parties agreed to a confidential settlement.
- Precision Dynamics Corporation and several of its officers and directors in a state court civil trial involving shareholder allegations of breach of fiduciary duty and a challenge of the election of directors where, following a civil court trial, judgment was entered in favor of our clients on all issues.
- Stone Boardwear, Inc., aka Volcom, Inc., in a state court antitrust lawsuit where a chain of retail stores alleged that Volcom engaged in illegal price fixing. In discovery, Mr. Nessim discovered substantial tax fraud committed by the chain of retail stores and referred the matter to the United States Attorney's Office, which ultimately criminally prosecuted the owner of the chain of stores. The civil antitrust case settled after the plaintiff's crimes were exposed.
- Henry Mayo Newhall Memorial Hospital in an arbitration brought by a radiology group in connection with the hospital's termination of the radiology group's contract. The arbitrator ruled in the hospital's favor on all claims.
- Thrifty Oil in a putative class action challenging its two-tiered pricing (cash and credit card). The case went before the state appellate court twice, *Linder v. Thrifty Oil*, 58 Cal. App. 4th 664 (1997) and 91 Cal. App. 4th 1070 (2001), as well as the California Supreme Court (23 Cal. 4th 429 (2000). The case was ultimately resolved in a favorable settlement.
- A state prisoner in connection with his federal habeas corpus claims before the federal district court, Ninth Circuit, and the United States Supreme Court. The district court granted the petition, the Ninth Circuit affirmed and over vigorous dissents (Justices Stevens, Souter, Ginsburg, and Breyer) – the United States Supreme Court reversed on a 5-4 vote. *Smith v. Robbins*, 528 U.S. 259 (2000).
- Criminal defendant in a watershed federal prosecutorial misconduct case where the Ninth

Circuit found that the prosecutor lied to the jury and misled both the trial and appellate courts, praised Mr. Nessim's conduct and rebuked the conduct of the United States' Attorney's Office. *United States v. Kojayan*, 8 F.3d 1315 (9th Cir. 1993). On remand from the Ninth Circuit, the district court dismissed the indictment with prejudice.

- An individual and his wholly owned corporation in a parallel federal civil and criminal case involving alleged trademark infringement and various other alleged frauds involving reconditioned circuit breakers where the civil case was settled on favorable terms to the clients prior to the start of the criminal trial and both clients were acquitted of all charges in the subsequent federal criminal trial. See Criminal (and Civil) Trademark Infringement; What Statute of Limitations Applies," *Journal of the Patent and Trademark Society*, December 1994.
- An internationally known pre-Colombian art appraiser and collector, in a federal pre-indictment criminal proceeding where, after lengthy hearings, the federal court ordered the U.S. government to return the pre-Colombian art it had seized from him, and the United States Attorney's Office was convinced not to bring criminal charges against him. The Government of Peru then brought a parallel federal civil suit against Johnson claiming that his pre-Colombian art collection was the property of Peru under its patrimony laws. After a federal court trial, the court ruled in Johnson's favor on all causes of action. *Peru v. Johnson*, 720 F. Supp. 810 (C.D. Cal. 1989).

Education & Admissions

- University of Michigan Law School, J.D., *cum laude*, 1980
- Stanford University, A.B., with distinction, Phi Beta Kappa, 1977

- California Bar, 1980
- U.S. District Courts: Central, Northern, Southern, & Eastern Districts of California
- Ninth Circuit Court of Appeals
- United States Supreme Court, 1999

Associations

- Board of Directors, Teach Democracy (formerly Constitutional Rights Foundation), 2020-2025 and member of the publications committee 2000-present
- Past Board Chair and current Executive Committee Member, Sephardic Educational Center in Jerusalem, 2006-present
- Vice President and board member, Nisim-Nessim Maternal Light, Inc., a non-profit dedicated to improving maternal health in third world countries, 2024-present
- Mentor, Community Leadership Institute (CLI) of the Jewish Federation of Los Angeles, 2019-2024
- Mentor, Leadership Council on Legal Diversity (LEADS), 2020-2024
- Member, Standing Committee on Discipline, United States District Court, Central District of

California, 2012-2016
- Board of Directors, Public Counsel, 2002-2010
- Board of Directors, including Executive Committee, Camp Ramah of California, 2002-2011
- Co-Chair, National ABA White Collar Crime Committee, 2004-2007
- Chair, West Coast Regional Subcommittee of the ABA White Collar Crime Committee, 2002-2004
- Co-Chair, Health Care & Abuse Subcommittee of the ABA White Collar Crime Committee, 1998-2004

Awards & Recognitions

- Ranked, Los Angeles City Elite: Media and Entertainment, *Legal 500*, 2026 - present
- Legal Legend, *The Hollywood Reporter*, 2024
- Ranked, Litigation: Media & Entertainment, *Chambers USA,* 2016 - present
- Legal Impact Report, *Variety*, 2014, 2023 - present
- Leading Litigators in America, *Lawdragon*, 2023 - present
- California Litigation Star, *Benchmark Litigation*, 2021 - present
- Top 100 Power Lawyers, *The Hollywood Reporter*, 2019
- Elite Boutique Trailblazers, *National Law Journal,* 2018
- Lawyer of the Year, Criminal Defense: White-Collar, Best Lawyers®, 2015
- Local Litigation Star, *Benchmark Litigation*, 2015 - present
- Best Lawyers in America®, 2006 - present
    - Entertainment Law - Motion Pictures and Television
    - Criminal Defense: White-Collar
    - Commercial Litigation
    - Real Estate Law
- Southern California Super Lawyers (Entertainment & Sports; White Collar Crimes; Business Litigation), *Super Lawyers Magazine*, 2004 - present

Articles & Publications

Media & Entertainment Industry

- "Profit Participation Claims," Entertainment Law & Litigation, Chapter 7, LexisNexis, (Author, 2017-18 and 2019-21 editions; Co-Author, 2023-24 edition)
- Co-Author, "The Application Of Sales Comparison Affiliate Transaction Provisions To New, In-House Streaming Transactions Involving Historical Television Programs, And Their Impact On Profit Participants," 28 UCLA ENT. L. REV. 33 (2021)
- Co-Author, "Mandatory Arbitration Provisions in Talent-Studio Contracts and Proposed Areas for Improvement," 22 UCLA Ent. L. Rev. 233 (2015)
- Author, "Five Things to Consider Before Bringing a Profits or Other Claim Against a Major Studio," Green Hasson & Janks LLP Publications, November 2014

White Collar including Health Care Fraud Defense

- Co-Author, "Recent Trials: Kilpatrick, Newman, and Nosal," American Bar Association's National Institute on White Collar Crime, March 2014
- Author, "Taking the Fifth," California Lawyer, November 2013
- Co-Author, "Major Fraud Cases of 2012: Blagojevich, Edwards, and Gupta," American Bar Association's National Institute on White Collar Crime, March 2013
- Co-Author, "Medicare Cost Certification: The Government Asks Too Much," ABA National Institute on The False Claims Act and Qui Tam Enforcement, November 2001
- Co-Author, "Open Questions Under the Anti-Kickback Statute," ABA National Institute on White Collar Crime, March 2000
- Co-Author, "Litigation Issues in Fraud and Abuse," 19 Whittier Law Review 51, 1997
- Author, "Criminal (and Civil) Trademark Infringement; What Statute of Limitations Applies?" Journal of the Patent and Trademark Society, December 1994
- Author, "The Glass Slipper," The Los Angeles Lawyer, November 1994
- Author, "Joint Defense Privilege and Conflicts of Interest," The Los Angeles Lawyer, May
- 1992
- Author, "Conflicts and Confidences, The Defense Viewpoint," ABA Criminal Justice, Spring 1992

Complex Commercial Litigation

- Author, "Internal Investigations," ABA National Institute on Health Care Fraud, February 1994
- Author, "Parallel Civil and Criminal Litigation," The Los Angeles Lawyer, December 1990