



Bird Marella Wins Dismissal of Fraud Indictment Against Advertising Executive at Start of Trial

In a trial involving a digital advertising company’s use of Internet Protocol netblocks, Bird Marella won complete vindication of its client’s innocence. Following his opening statement at trial, Principal [Gary Lincenberg](#) persuaded the United States Attorney for the Southern District of California to *dismiss* all charges in the indictment. The dismissal will take place under a deferred prosecution agreement involving no admission of any culpability by the client, no payment of any fine, and no probation.

Trial commenced in May 2022, following a five-year investigation and a four-year battle over cutting-edge legal issues, including what constitutes “property” under the federal wire fraud statute and what constitutes a “registrant” under the electronic mail fraud statute. Expected to last six weeks, Bird Marella’s trial team secured this decisive victory before a single witness took the stand.

Principals [Gary Lincenberg](#) and [Nicole Rodriguez Van Dyk](#) led the defense team, with outstanding contributions from associates [Darren Patrick](#) and [Alexis Wiseley](#).

To learn more on Bird Marella’s white collar defense and trial practice, click [here](#).