



## ELLIOT C. HARVEY SCHATMEIER

### ASSOCIATE

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### EDUCATION

Columbia Law School, J.D., Harlan Fiske Stone Scholar, 2013

University of California, Berkeley, B.A., 2008

## OVERVIEW

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Elliot is an associate at Bird Marella. He represents clients at trial, in arbitration and in parallel civil and criminal investigations. His practice focuses on complex business disputes, including breach of contract and business tort cases, commercial fraud, and claims arising from the False Claims Act. He has appeared in both state and federal court and has been involved in several trials. He has represented Fortune 500 companies and large private companies in the technology, banking, healthcare, entertainment, and manufacturing industries.

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. After graduation, he clerked for the Honorable Henry B. Pitman of United States District Court for the Southern District of New York.

## EXPERIENCE

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Elliot was litigation counsel for a publicly-traded California financial institution 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 confidential sum on the eve of trial. Prior to Bird Marella's representation, the defendants had refused to engage in any meaningful settlement discussions.

Elliot represented a company that owns hospitals across the United States in an internal investigation involving accounting irregularities. The investigation resulted in remedial actions taken by the client.

Elliot was 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. 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, Bird Marella was able to settle the case for a small fraction of the public funds at issue.

## PRO BONO

**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).

**LGBT 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.

## AFFILIATIONS

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Member, Young Lawyers Division of the Association of Business Trial Lawyers, Los Angeles

Board Member, Los Angeles Center for Law and Justice

## ADMISSIONS

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California, 2018

New York, 2014

U.S. Court of Appeals for the Second and Eleventh Circuit, U.S. District Court for Central District of California, Southern District of New York, Eastern District of New York, and U.S. Bankruptcy Court for the Central District of California