

2019 YEAR IN REVIEW



BIRD
MARELLA^{P.C.}

BIRD • MARELLA • BOXER • WOLPERT • NESSIM • DROOKS • LINCENBERG • RHOW



**FROM OUR
MANAGING
PRINCIPAL**

Paul S. Chan Managing Principal

We are pleased to present to you our 2019 Year in Review.

As we embark on a new decade, it gives us great pride to reflect on another extraordinary year at Bird Marella. 2019 was marked by unique challenges, significant growth, and notable achievements for our firm's clients, as we continued to demonstrate why we are considered one of the premier litigation firms in the nation.

Last year, we secured victories for clients in several precedent-setting cases. We won a complete defense verdict for one of the world's largest microchip manufacturers in a case with nine-figure exposure. In one of the largest environmental crime trials in California history, we successfully obtained a reduced fine that was 400 times lower than the amount originally sought by prosecutors. And in an internationally publicized pro bono matter, we won bail for a former U.S. Marine fighting extradition based on an incident at a North Korean embassy.

As in years past, our lawyers continued to garner recognition from peers, colleagues, and various media outlets. In 2019, many of our attorneys received honors from ranking guides such as Chambers and Partners, Benchmark Litigation, and Lawdragon 500 as well as prominent legal publications such as the Daily Journal, Law360, and the National Law Journal. Alongside these recognitions, we are equally proud of our firm's continuing and unwavering commitment to pro bono and community service. Nearly 90% of our attorneys committed time to pro bono matters in 2019, enabling the firm

to contribute thousands of hours to public interest litigation. The firm also contributed directly to nearly 40 different legal and charitable nonprofits, with many of our attorneys serving in leadership and board positions within these organizations.

While the foundation of Bird Marella remains rooted in the traditions and values established by our founding principals nearly forty years ago, we've also maintained a focus on the future. In the past year, we added and elevated several exceptionally talented attorneys who will only enhance the firm's talented ranks of multigenerational and diverse lawyers. These attorneys represent the next generation of litigators who will make their mark at Bird Marella.

On behalf of the firm, we are grateful to all our attorneys, paralegals, and supporting staff for their hard work and dedication in making 2019 a remarkable year. And we thank our valued clients for entrusting Bird Marella with their most significant legal matters. We look forward to another decade of providing innovative and effective representation.

Sincerely,

A handwritten signature in blue ink, appearing to read 'P. Chan', with a long horizontal flourish extending to the right.

Paul S. Chan
Managing Principal

NEW ADDITIONS



Jonathan M. Jackson

Associate

Jonathan specializes in complex commercial and intellectual property litigation. He has successfully represented clients in a variety of high stakes matters in state and federal court, at both the trial and appellate level, in commercial arbitration proceedings, and before the United States Patent & Trademark Office (USPTO). He received his J.D. from UCLA School of Law.



Oliver Rocos

Associate

A graduate of Boston University School of Law, Oliver represents individuals, media, technology, and financial industry clients in complex commercial disputes involving breach of contract, breach of fiduciary duty, fraud, negligence employment claims, and securities and regulatory actions. Prior to joining the firm, he practiced as a barrister for three years in London, England.

BY THE NUMBERS: REPUTATION

Top 20

Recognized as a "Top 20" litigation boutique by associates in a nationwide survey (*Vault*)

NEW ELEVATION

Naeun Rim
Principal



BY THE NUMBERS: DIVERSITY

54% Percentage
of Minority
Attorneys

Bird Marella announced the elevation of Naeun Rim to principal on January 1, 2019. Naeun previously served as of counsel, concentrating her practice on white collar criminal defense, complex civil litigation, and internal investigations. Since joining the firm in 2016, she has secured acquittals, dismissals, and favorable sentencing results in high-profile criminal matters in addition to winning major victories for clients in arbitrations and multi-million dollar civil cases.

Plains defense team
from left to right:

Ariel A. Neuman

Naeun Rim

Gary S. Lincenberg

Ray S. Seilie



OUR VICTORIES

HIGHLIGHT PLAINS ALL AMERICAN PIPELINE

Bird Marella Persuades Judge to Reject Prosecutors' Request for Billion Dollar Fine

Following the successful 2018 defense of Plains All American Pipeline in a four-month jury trial involving an oil spill in Santa Barbara, Bird Marella prevailed at the sentencing hearing held on April 25, 2019. The Plains defense team, led by principals Gary Lincenberg and Ariel Neuman along with principal Naeun Rim and associate Ray Seilie, successfully persuaded a California state judge to reject the prosecutor's demand for a \$1.2 billion penalty and to agree with Plains' request for a \$3 million fine, an amount 400 times lower than what the prosecution originally sought.

Prevailed at Trial for Fortune 500 Company in Multi-Million Dollar Wrongful Termination Suit

Jeremy D. Matz • Ray S. Seilie

Won a total defense victory in a four-week, multi-plaintiff, multi-million dollar wrongful termination jury trial on behalf of a Fortune 500 company. After the plaintiffs presented their case-in-chief, the Court entered judgment for the company before the case ever reached the jury for deliberations.

Obtained Complete Dismissal of Federal Class Action on Behalf of Medical Device Company

Terry W. Bird • Hernán D. Vera • Ashley D. Bowman

Secured complete dismissal of a consumer protection class action brought against a software and medical device company in Arizona federal court against claims of unjust enrichment, economic harm, and violations of the California Unfair Competition Law.

Won Bail for Marine Corps Veteran in Internationally Publicized Extradition Case

Ekwan E. Rhaw • Naeun Rim • Christopher J. Lee

Successfully convinced the Court to acknowledge that “special circumstances” existed to obtain the release on bail for a pro bono client, a former U.S. Marine veteran, who had been detained pending extradition to Spain based on allegations relating to an incident at the North Korean embassy in Madrid.

Won Affirmance of Summary Judgment on Behalf of National Law Firm

Mark T. Dooks • Douglas A. Fretty • Fanxi Wang

Obtained summary judgment on behalf of a national law firm accused of negligence and misrepresentation in connection with issuance of opinion letters in a loan transaction. Secured affirmance of the decision before the Ninth Circuit Court of Appeals.

BY THE NUMBERS: EXPERTISE

40

Industries and
Practice Areas
Represented

OUR VICTORIES

Obtained Summary Judgment for Prominent Tech Company in Breach of Contract Suit

Gary S. Lincenberg • Nicole Rodriguez Van Dyk • Ashley D. Bowman

Achieved summary judgment on a multi-million dollar breach of contract claim, and dismissal of all tort claims, on behalf of a Los Angeles-based technology company alleging company executives engaged in fraud and civil conspiracy in connection with government contracts.

Won Writ Petition in Unique False Claims Act Lawsuit Against Prominent Law Firm

Paul S. Chan • Thomas R. Freeman • Marc E. Masters • Elliot C. Harvey Schatmeier

Successfully defended one of the largest law firms in California against claims that it violated the California False Claims Act by "fraudulently" inducing its former client, a public agency, to disburse several million dollars in funds towards a public works project.

Secured Favorable Resolution of Pulse-Based Snack Maker in Trademark Dispute

Timothy B. Yoo

Resolved a global trademark dispute on behalf of pulse-based snack food manufacturer, World Peas Brand, against the Frito-Lay company. Litigated and ultimately achieved a favorable coexistence arrangement allowing the company to preserve and continue to extend the brand equity built upon their packaging and product lines.

Won Dismissal of Wage & Hour Class Action Utilizing Standing Argument at the Pleading Stage

Ekwan E. Rhow • Kate S. Shin

Won dismissal of a wage and hour class action on behalf of multiple corporate and individual defendants. The class action plaintiff, a former employee of the defendant, sought millions in damages for the putative class comprised of hundreds of former and current workers.



MARK T. DROOKS PRINCIPAL

The stakes are often extremely high but we are privileged to handle cases that are almost always interesting and challenging. We try to bring to every case a combination of strong analysis, good judgment, and elite trial skills.



HIGHLIGHT SK HYNIX AMERICA, INC.

Bird Marella Wins Jury Trial in \$175 Million Breach of Contract Suit

After a three-week jury trial in the Western District of Washington, Bird Marella achieved a complete defense verdict on behalf of SK Hynix, one of the world's largest microchip manufacturers, in a \$175 million breach of contract lawsuit. Led by principals Ekwon Rhow and Timothy Yoo, the Bird Marella trial team warded off claims that SK Hynix had breached a DRAM chip supply contract with Microsoft, impacting the 2013 launch of its Xbox One gaming console. Following four days of deliberation, the jury returned with a unanimous verdict in favor of SK Hynix finding that the company did not breach the supply contract, ultimately rejecting all of Microsoft's alleged damages.

SK Hynix defense
team, left to right:
Joyce J. Choi
Ekwon E. Rhow
Timothy B. Yoo
Emerson H. Kim

From left: **Fanxi Wang, Benjamin N. Gluck, Nicole Rodriguez Van Dyk**



OUR ACCOLADES

BY THE NUMBERS: RECOGNITION

81 Total Firm
and Individual
Awards in 2019

CHAMBERS AND PARTNERS

Litigation: White-Collar Crime & Government Investigations

Firm (Band 2)

Terry W. Bird

Benjamin N. Gluck

Gary S. Lincenberg (Band 1)

Vincent J. Marella

Ariel A. Neuman

Litigation: General Commercial

Firm (Band 4)

Mark T. Dooks

Ekwan E. Rhow

Litigation: Media & Entertainment

Ronald J. Nessim

Litigation: Trial Lawyers USA (Global)

Terry Bird

AMERICAN COLLEGE OF TRIAL LAWYERS

Judicial Independence Committee

A. Howard Matz

BENCHMARK LITIGATION

Benchmark Litigation 2020

Firm: Highly Recommended,
Securities Litigation (Tier 1)

2019 US Awards

Securities Litigation Firm of the Year

Local Litigation Stars

Benjamin N. Gluck
Gary S. Lincenberg
Ronald J. Nessim
Ariel A. Neuman
Ekwan E. Rhow
Dorothy Wolpert

Top 100 Trial Lawyers in America

Gary S. Lincenberg
Ekwan E. Rhow

Top 20 Trial Lawyers in California

Ekwan E. Rhow

40 & Under Hot List

Ariel A. Neuman
Nicole Rodriguez Van Dyk
Timothy B. Yoo

U.S. NEWS

Best Lawyers

Sharon Ben-Shahar Mayer
Terry W. Bird
Joel E. Boxer
Paul S. Chan
Mark T. Dooks
Thomas R. Freeman
Benjamin N. Gluck
Gary S. Lincenberg
Vincent J. Marella
Jeremy D. Matz
Ronald J. Nessim
Thomas V. Reichert
Nicole Rodriguez Van Dyk
Dorothy Wolpert

Los Angeles Lawyer of the Year: Trust & Estates

Joel E. Boxer

Los Angeles Lawyer of the Year: Securities

Paul S. Chan

U.S. NEWS (CONT'D.)

Best Law Firms

Appellate
Commercial Litigation (Tier 1)
Environmental Law
Healthcare (Tier 1)
Securities
Trust & Estates
White Collar (Tier 1)

THE HOLLYWOOD REPORTER

Power Lawyers

Ronald J. Nessim

LAWDRAGON

500 Leading Lawyers

Paul S. Chan
Ekwan E. Rhow

DAILY JOURNAL

Top 100 Lawyers in California

Gary S. Lincenberg



RONALD J. NESSIM PRINCIPAL

When I began at the firm in 1987, and still today, we get most of our work from referrals from other lawyers who have themselves seen our commitment to our clients and the quality of our work. I love working here because we are a law firm first and a business second.

OUR ACCOLADES



Sharon Ben-Shahar Mayer Principal

SUPER LAWYERS

Super Lawyers

Terry W. Bird
Joel E. Boxer
Paul S. Chan
Mark T. Dooks
Thomas R. Freeman
Benjamin N. Gluck
Gary S. Lincenberg
Vincent J. Marella
Jeremy D. Matz
Ronald J. Nessim
Ariel A. Neuman
Thomas V. Reichert
Ekwan E. Rhow

Top 100: White Collar

Benjamin N. Gluck
Gary S. Lincenberg

Rising Stars

Julia B. Cherlow
Gopi K. Panchapakesan
Naeun Rim
Ray S. Seilie
Fanxi Wang

LOS ANGELES BUSINESS JOURNAL

Top Litigators & Trial Lawyers

Mark T. Dooks

Most Influential Minority Lawyers

Paul S. Chan
Ekwan E. Rhow

SOUTHERN CALIFORNIA CHINESE LAWYERS ASSOCIATION

Trailblazer Award

Paul S. Chan

CALIFORNIA ACADEMY OF APPELLATE LAWYERS

Appointed Member

Thomas R. Freeman

NATIONAL LAW JOURNAL

Health Care Law Trailblazers

Nicole Rodriguez Van Dyk

LAW360

COLLEGE OF COMMERCIAL ARBITRATORS

Rising Stars

Ariel A. Neuman

Fellowship Honoree

A. Howard Matz

BY THE NUMBERS: INCLUSION

4 Generations of Trial Specialists and Litigators

Founding Principals from left to right: **A. Howard Matz, Vincent J. Marella, Dorothy Wolpert, Terry W. Bird, Joel E. Boxer**



COMMUNITY INVOLVEMENT

BY THE NUMBERS: PRO BONO

2400

Hours Dedicated to
Pro Bono Matters



HOMELESS
HEALTH CARE
LOS ANGELES



Throughout 2019, Bird Marella contributed to the following civic and charitable organizations devoted to strengthening communities, supporting human rights, and enhancing the lives of disadvantaged children.



DOROTHY WOLPERT PRINCIPAL

Community service has been a core value of our firm since its beginning. All our lawyers engage in pro bono litigation, board service, or public projects of a wide diversity. Our commitment to such work defines our view of professional duty and social justice.



Bird Marella litigates complex civil and white collar criminal matters in state and federal courts across the United States. For more than 35 years, we have built our reputation on the quality of our lawyers and the outstanding results we achieve for our clients.

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