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Gary S. Lincenberg

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Lincenberg, a former federal prosecutor, now specializes in defending businesses and executives facing government investigations and complex civil and white collar criminal litigation. In March he received Benchmark Litigation's award as California's white collar crime litigation attorney of the year.

Following the November election, the change in administrations could reverse a trend he saw under President Trump away from an emphasis on bringing federal environmental crime cases. "Clearly, those prosecutions waned, and the pendulum may well swing back under President Biden," Lincenberg said.

His busy schedule has included assisting the general counsel to the U.S. House of Representatives in the President Trump impeachment inquiry; representing four individuals in an ongoing civil suit against Los Angeles real estate developer

Mohamed Hadid over the illegal construction of his Bel-Air mansion; and defending the vice president for finance of Autonomy Corp. PLC in accounting fraud claims over its disputed \$12 billion purchase by Hewlett-Packard Co.

Upcoming on Lincenberg's docket is a January 2021 trial in which he represents John Brunst, the CFO and part owner of a media holding company regarding charges in Arizona arising from the content of Backpage.com, a classified ad website. The site has been accused of running content that solicits prostitution and promotes human trafficking. U.S. v. Lacey, 2:18-cr-00422 (D. Ariz., filed March 28, 2018).

The case took a twist in September 2020 when Lincenberg and colleagues learned that U.S. District Judge Susan M. Brnovich of Phoenix, Ariz., who is overseeing the case, is married to Arizona Attorney General Mark Brnovich, an outspoken critic of Backpage.com. The defendants moved unsuccessfully for her recusal, citing comments from the attorney general singling out Backpage.com for allegedly supporting human trafficking. An anti-trafficking pamphlet published by Brnovich directs readers to the sites of advocacy groups associated with the government's trial witnesses in the case before his wife, the recusal motion states.

In October, Judge Brnovich rejected recusal. A "reasonable person apprised of the facts would not question the Court's impartiality," she wrote, holding that a spouse's views should not be assumed to be attributed to the other spouse.

On Nov. 18, Lincenberg took the matter to the 9th U.S. Circuit Court of Appeals, seeking a writ of mandamus to recuse Brnovich. Reasonable people would question her impartiality, the petition asserted, and she erred by rejecting as "inappropriate" an expert declaration by Vaughn R. Walker, the former chief judge of the Northern District, supporting her recusal. The matter remains under submission.

— John Roemer