

Nicholas F. Daum

Attorney



310.272.7916 P
310.556.2705 F
ndaum@kbfirm.com

With a particular focus on crafting highly persuasive legal arguments before trial and appellate courts, Nicholas F. Daum has obtained successful results for clients including major entertainment-industry corporations, religious organizations, law firms, and professional advisors. Fluent in all stages of civil litigation, Mr. Daum's skill in crafting legal arguments has helped clients resolve novel and cutting-edge legal issues, especially in areas of commercial and contract law, First Amendment and constitutional law, and professional liability.

Education

Yale Law School, J.D., 2003

- Cover Fellow
- *Yale Law Journal*, Notes Editor
- *Yale Journal on Regulation*, Executive Editor
- Research Assistant to Professor Owen Fiss

University of California at Berkeley, M.A., History, 2000

- Mellon Fellow

Cornell University, B.A., History and College Scholar Program, 1996

- Graduated *magna cum laude*

Clerkships

U.S. Court of Appeals for the Ninth Circuit

- Law Clerk, Hon. Raymond C. Fisher

Representative Matters

Media and Entertainment

- Obtained a defense-side summary judgment verdict for the estate of one of Hollywood's most prominent business managers against a claim for hundreds of millions of dollars, in a case involving novel and significant issues concerning California's mediation privilege.
- Secured a plaintiff's-side summary judgment of more than \$14 million on behalf of client, Viacom International Inc., in a lawsuit against toymaker MGA Entertainment Inc. for breach of contract.
- Obtained a complete defense-side victory for Paramount Pictures at trial and on appeal in a dispute over the financing for the film "No Country for Old Men."
- Obtained complete defense-side summary judgment for defendant BET Networks, Inc., in a case involving novel First Amendment issues applied to performers and cast members.
- Obtained complete victory on appeal for Current Media, LLC and former Vice President Al Gore in an action involving novel claim of "idea submission" of a business idea.

- Integral member of the team that obtained a complete defense victory for Paramount Pictures at trial and on appeal in a complex commercial dispute over domestic and international film financing.
 - Obtained a successful result on a motion to dismiss for Paramount Pictures in a case involving the film "The Godfather." The case resulted in a successful settlement.
 - Representing the heirs of a holocaust survivor in a federal court action against a Spanish state-owned museum for the restitution of a Camille Pissarro painting looted by the Nazis.
- Representation of Lawyers and Law Firms**
- Obtained a complete victory, in a published appellate opinion, for a law firm sued for defamation after issuing a press release.
 - Obtained dismissal of an action against a lawyer who represented heirs of the original authors of the "Superman" comics.
- Represents law firms in ongoing confidential legal malpractice actions.

Commercial Litigation

- Obtained total victory on appeal for entertainment company, Ascent Media Group, and several of its executives and in-house attorneys against a lawsuit filed by a former executive claiming fraud and legal malpractice.
- Helped achieve a complete victory on trial and appeal in a \$200 million tortious interference claim against a major casino company in connection with Indian gaming in California.
- Secured a favorable settlement for a group of founders and early employees of a major internet company in groundbreaking litigation involving the venture capital industry.

Prior to Kendall Brill & Kelly

- **Susman Godfrey LLP, 2005–2009**

Bar and Court Admissions

- **California, 2005**
- **U.S. District Courts**
Central, Eastern, Northern, and Southern Districts of California
- **U.S. Court of Appeals for the Ninth Circuit**

Kendall Brill & Kelly LLP

10100 Santa Monica Blvd.
Suite 1725
Los Angeles, CA 90067

310.556.2700 Telephone
310.556.2705 Fax