

Nicholas F. Daum

Partner



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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 skillfully crafts legal arguments that have helped clients resolve novel and cutting-edge legal issues, especially in the 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*

Clerkship

U.S. Court of Appeals for the Ninth Circuit

- Law Clerk, Hon. Raymond C. Fisher

Representative Matters

Media and Entertainment

- Obtained 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.
- Represent minority owners of major television production company in major corporate dispute involving multiple appeals and numerous appellate issues
- Represent estate of prominent deceased music star in connection with multiple appeals involving California's anti-SLAPP law and the First Amendment.
- Obtained appellate victory for international media company, upholding multi-million dollar award against major toy manufacturer.
- Obtained 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.
- Currently 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.

Recognition and Affiliations

- Los Angeles County Bar Association, Entertainment Law and Intellectual Property Section (ELIPS), Member
- People Assisting the Homeless (PATH), Fundraiser, Imaginary Feast Committee, Member

Prior to Kendall Brill & Kelly

- **Susman Godfrey LLP, 2004–2009**

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.
- Representing Los Angeles County in a lawsuit seeking to invalidate a new state law that puts the redrawing of county supervisors’ districts in the hands of a 14-member citizens committee.

Pro Bono Litigation

- Represented civil rights and pro-democracy organizations in filing amicus briefs challenging partisan gerrymandering before the U.S. Supreme Court and Pennsylvania Supreme Court.
- Represented Greenpeace USA in a Ninth Circuit appeal of injunction against protest activity relating to Arctic drilling.

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- Loyola Immigrant Justice Clinic, Board Member
 - Thad’s Episcopal Church, Culver City, CA, Chairman of the Vestry

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**

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