

Nicholas F. Daum

Partner



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Nicholas F. Daum delivers case-winning results for KBK clients in high-stakes and high-profile lawsuits for some of the entertainment and media industry's leading companies and individuals. With a particular focus on crafting highly persuasive legal arguments before trial and appellate courts, he also has achieved courtroom victories for entertainment industry clients, religious organizations, law firms, technology companies, and professional advisors.

Fluent in all stages of civil litigation, Mr. Daum skillfully crafts legal arguments and advice that help clients resolve novel and cutting-edge legal issues, especially in the areas of complex commercial litigation and contract law, First Amendment and constitutional law, and professional liability. In his more than 15 years of practicing law, he has also gained extensive experience in disputes involving breach of contract, antitrust, securities, copyright, film financing, anti-SLAPP law, idea theft, and tortious interference.

On a *pro bono* basis, he has represented civil rights and pro-democracy organizations in filing *amicus* briefs in the successful challenge to partisan gerrymandering in Pennsylvania and represented Greenpeace USA in a Ninth Circuit appeal of injunction against protest activity relating to Arctic drilling.

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

- *Magna cum laude*

Clerkships

U.S. Court of Appeals for the Ninth Circuit

- Law Clerk, Hon. Raymond C. Fisher

Representative Matters

Entertainment, Media, and Intellectual Property

- Obtained summary judgment, which was upheld on appeal, for the estate of Robert Philpott, who was sued by the ex-wife of Dick Wolf, creator of the *Law & Order* TV franchise, based on allegations he negotiated a divorce settlement that denied her franchise-related revenue.
- Representing CAA in a major lawsuit filed by Writers Guild of America (WGA) and eight individual writers, alleging breaches of fiduciary duty, constructive fraud, and violations of the Unfair Competition Law related to the use of agency packaging fees and the corresponding lawsuit filed by CAA against the WGA for antitrust violations.
- Represented minority owners of major television production company in major corporate dispute involving multiple appeals and numerous appellate issues.
- Representing the estate of world-renowned singer and songwriter Jenni Rivera in \$10 million litigation over her former business manager's breaches of his non-disclosure agreement by collaborating to produce an unauthorized television series exploiting the private details of Ms. Rivera's life that was eventually aired on Univision.
- Secured a \$14.9 million judgment, which was upheld on appeal, for Viacom International, Inc. in a well-publicized lawsuit filed against toymaker MGA Entertainment, Inc. for breach of contract.
- 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 that involved novel First Amendment issues that were applied to performers and cast members.
- Obtained complete victory on appeal for Current Media, LLC and former Vice President Al Gore in an action that involved the novel claim of "idea submission" of a business idea.
- Obtained a successful result on a motion to dismiss for Paramount Pictures in a case that involved the film, *The Godfather*. The case resulted in a successful settlement.
- Represented the heirs of a holocaust survivor in a federal court action brought against a Spanish state-owned museum for the restitution of a Camille Pissarro painting that was looted by the Nazis.

- Provides ongoing advice to major motion picture studios on issues involving copyright termination.

Representation of Lawyers and Law Firms

- Obtained a complete victory, in a published appellate opinion, for a law firm that had been sued for defamation after issuing a press release.
- Obtained dismissal of an action brought against a lawyer who was representing the heirs of the original authors of the "Superman" comics.
- Representing prominent law firms in ongoing confidential legal malpractice actions.

Complex Commercial Litigation and Trials

- Obtained a total victory on appeal for the entertainment company Ascent Media Group and several of its executives and in-house attorneys against a lawsuit that had been filed by a former executive that claimed 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 in the successful challenge to partisan gerrymandering in the state of Pennsylvania.
- Represented Greenpeace USA in a Ninth Circuit appeal of injunction against protest activity relating to Arctic drilling.

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
- 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**

Prior to Kendall Brill & Kelly

- **Susman Godfrey LLP, 2004–2009**

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