



## Philip M. Kelly

Partner

310.272.7908  
pkelly@kbkfirm.com

### Education

University of California, Los Angeles School of Law, J.D.,  
2000  
Order of the Coif

Pomona College, B.A., Economics, 1995  
Athletic Hall of Fame, Men's Basketball

Philip Kelly focuses on successfully resolving entertainment and commercial litigation disputes. He counsels and advises leading motion picture studios, broadcast and cable television networks, entertainment production, sporting and music companies, book publishers, technology leaders, and video-game publishers.

Legal challenges involving profit participation, licensing, copyrights, distribution agreements, fraud, and breach of contract claims are among the legal matters that Mr. Kelly regularly manages. Currently, Mr. Kelly is litigating high-visibility libel and slander claims for an athlete and defending a breach of contract action related to a best-selling book.

In addition to his litigation representation across a variety of entertainment and media platforms, Mr. Kelly provides pre-broadcast counseling and advice to production companies and television networks.

## Representative Matters

### Media, Entertainment, and Intellectual Property

#### Libel and Slander Litigation

Representing British soccer player David Beckham in libel and slander litigation against prominent magazine.

#### Entertainment Industry Disputes

Represent Screen Media Ventures in litigation with Universal Studios Home Entertainment concerning the parties' former distribution relationship.

Defend Hachette Book Group in a breach of contract action brought by William Paul Young, author of the best-selling book *The Shack*.

Represented Universal Music Group before the California Supreme Court in a landmark case involving the scope of attorney-client privilege. Then, Mr. Kelly "second chaired" the client's subsequent trial victory.

Litigated on behalf of a major studio and its broadcast network in a \$100 million breach of contract dispute with its largest affiliate group. Mr. Kelly helped settle the case before trial.

Represented major home entertainment company in a dispute with Rank DMS in an alleged breach of a "most favored nations" provision in connection with distribution services for home entertainment products.

**Copyright and Trademark Litigation**

Represented successfully multiple defendants - a television production company, broadcast network, and producers - in a copyright infringement action involving a hit reality television series. Obtained summary judgment, after discovery, in favor of the clients on the copyright infringement claim.

Obtained summary judgment on behalf of broadcast network facing allegations of failure to pay royalties made by composers of background music. Claims involved the release of episodic television series from the 1950s-70s on videocassette and DVD and royalties for synchronization licenses of the compositions.

**Interactive Software and Video-Game Industry Litigation**

Achieved dismissal of RICO, antitrust and commercial bribery claims facing a videogame developer and publisher alleged by a global sports entertainment company. Plaintiff claimed damages in excess of \$100 million in an action arising out of the alleged bribery of licensing agents and the award of a video-game license to a joint venture.

**Commercial Litigation**

---

**Online Retailer Breach of Contract Litigation**

Defended multimillion-dollar breach of contract dispute on behalf of an online toy retailer concerning a fulfillment services agreement. After a two-week arbitration trial, the retailer received a favorable award.

Litigated on behalf of Activision Publishing against a video-game developer related to the development of a phenomenally popular World War II-based video game. Case included breach of contract and fraud claims by both parties, all of which were settled before trial.

**Production Advice**

Provide pre-broadcast review and other production-based advice in connection with numerous reality shows and other programming. Shows advised include "Punk'd," "Jackass," "Wild Boyz," "The Buried Life," "The Pick Up Artist," "Nitro Circus," "The Hills," and "Planet Sheen."

**Complex Fraud and Business Torts Claims**

Represented an aircraft manufacturer in a multimillion-dollar dispute arising out of an exclusive purchase agreement with a key supplier. After a 19-day arbitration trial, Mr. Kelly helped defeat claims alleging improper termination of agreement, misrepresentation, promissory fraud, and theft of intellectual property.

Litigated on behalf of several leading entertainment studios in a multibillion-dollar dispute concerning licensing and distribution of pay television services in Australia. The case, which involved a variety of contract and tort claims, settled before trial.

**Prior to Kendall Brill Klieger**

**Irell & Manella LLP**  
Associate, 2000-2009

**Recognition**

Southern California "Rising Stars," 2008-2010

**Bar and Court Admissions**

**California, 2000**

**U.S. District Courts**

Central and Southern Districts of California