



Ronald J. Nessim

Partner

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Practices:

Entertainment, Complex Business Litigation, Fraud, Qui Tam, Civil RICO, Business and Financial Crimes, Internal Investigations, Securities Fraud and Insider Trading

Name partner Ron Nessim is one of the top trial attorneys in the country in each of his three main litigation practice areas: media & entertainment; general commercial civil litigation; and white collar criminal defense. With over 40 years of experience as a trial lawyer, Mr. Nessim has been lead counsel in numerous federal and state trials and arbitrations. He has also argued numerous appeals in federal and state appellate civil and white collar criminal courts, including in the United States Supreme Court. Mr. Nessim's clients value his attention to detail, tenacity, strategic planning and trial skills. In addition to his litigation practice, Mr. Nessim is on the AAA roster of arbitrators.

In the entertainment area, Mr. Nessim was recently honored in 2024 as a "Legal Legend" by *The Hollywood Reporter* which noted his "enduring impact on both the entertainment industry and the law." He has also been ranked as a leading entertainment litigator in *Chambers USA* since 2016 and in other publications.

Mr. Nessim also has a general commercial civil litigation practice where he represents clients in breach of contract, partnership, real estate, employment and business tort cases in a variety of industries and settings. He has been recognized as a top general commercial civil litigation attorney by Best Lawyers in America® and other publications.

Mr. Nessim was an Assistant United States Attorney in the Major Frauds Section of the United States Attorneys' Office in Los Angeles prior to joining Bird Marella. At Bird Marella, he continues to practice white collar criminal defense, including alleged health care fraud, civil false claims (qui tam proceedings), and tax fraud investigations and cases. Over his career, Mr. Nessim has persuaded many prosecutors not to charge individuals and entities whom they had originally planned to charge. Mr. Nessim was selected as the 2015 Criminal Defense: White Collar "Lawyer of the Year" for the Los Angeles area by Best Lawyers in America® and is also regularly ranked as a top criminal defense attorney by several publications. Mr. Nessim is a past co-chair of the National ABA White Collar Crime Committee.

Leveraging his civil and criminal defense experience, Mr. Nessim often represents clients facing

parallel civil and criminal proceedings, representing them in both.

Representative clients and matters include:

- Don Bellisario, creator of the *JAG* and *NCIS* television franchises in a variety of matters, including Bellisario's current audits of the *JAG*, *NCIS*, *NCIS:LA* and *NCIS:NO* television series and an earlier state court lawsuit asserting Bellisario's rights in *NCIS:LA* which resulted in a confidential settlement on the eve of trial.
- An agricultural company that was originally sued in a state court insurance fraud qui tam proceeding, the parties subsequently stipulated to mandatory arbitration and the arbitration is scheduled to take place in 2025.
- A talent agent in a dispute with his former partners over commissions in a lucrative motion picture franchise that is scheduled to go to arbitration in 2025.
- Eric Kripke, the creator of the *Supernatural* television series, in an arbitration against Warner Bros. in 2023, which settled in a confidential settlement following the arbitration hearing.
- An international tax lawyer in a federal criminal tax and money laundering investigation where the United States Attorney's Office was ultimately convinced not to charge our client.
- An actor, who was a target of a federal criminal investigation in connection with her alleged extortion of a number of prominent males, where the United States Attorney's Office was ultimately convinced not to charge our client.
- Dick Wolf, creator of the *Law & Order* franchise, in various disputes and issues concerning the franchise.
- SAG-AFTRA in connection with novel legal issues involving the option and exclusivity provisions in actors' contracts which impacted actor's ability to make a living given changes in the industry.
- Former head of real estate of a large investment management firm in a wrongful termination in violation of public policy case which settled in a confidential settlement on the eve of the arbitration hearing.
- Carsey-Werner in various disputes and issues in connection with Roseanne's tweets that led to her dismissal from the series, the cancellation of the *Roseanne* series, and the creation of the *Connors* series.
- UCLA department chair in a wide-ranging administrative investigation involving his use of university resources for research, which also benefited his faculty start-up company, including allegations of violation of the California Political Reform Act. The investigation was resolved on favorable terms to our client, including that he would continue as the department chair.
- J.J. Abrams in a profit participation dispute concerning the *Lost* series which settled in a confidential pre-filing settlement.
- Shonda Rhimes in a profit participation dispute concerning *Grey's Anatomy* that resolved in a confidential pre-filing settlement.
- Former head of a luxury division of Starwood and then Hilton Hotels, in a federal pre-indictment criminal investigation and parallel civil alleged trade secret case, both in the SDNY, involving the alleged theft of trade secrets and computer fraud. The United States Attorney's Office was ultimately convinced not to criminally charge our client, and the civil case was settled on favorable terms for him.

- Milberg LLP, a law firm, in a sanctions hearing in federal court in San Diego where the defendant corporation in an underlining federal securities class action alleged that the law firm knowingly received and used stolen documents in the underlying case. After a several day evidentiary hearing, the court found that the law firm committed no misconduct.
- Former co-president of Tenet Health Care in parallel criminal, SEC, Civil False Claims Act, class action, and derivative proceedings involving Tenet's gross pricing practices and receipt of outlier payments. The criminal prosecutors ultimately decided not to charge our client and we reached favorable settlements for our client in each of the other parallel proceedings.
- David Kohan and Max Mutchnick, creators of the *Will & Grace* television series, and their agent in a three-month state court jury trial of their profit participation claims where, after the jury agreed on \$49.5 million in compensatory damages and made punitive damages findings against defendant NBC Studios, the parties agreed to a confidential settlement.
- Precision Dynamics Corporation and several of its officers and directors in a state court civil trial involving shareholder allegations of breach of fiduciary duty and a challenge of the election of directors where, following a civil court trial, judgment was entered in favor of our clients on all issues.
- Stone Boardwear, Inc., aka Volcom, Inc., in a state court anti-trust lawsuit where a chain of retail stores alleged that Volcom engaged in illegal price fixing. In discovery, Mr. Nessim discovered substantial tax fraud committed by the chain of retail stores and referred the matter to the United States Attorney's Office, which ultimately criminally prosecuted the owner of the chain of stores. The civil antitrust case settled after the plaintiff's crimes were exposed.
- Henry Mayo Newhall Memorial Hospital in an arbitration brought by a radiology group in connection with the hospital's termination of the radiology group's contract. The arbitrator ruled in the hospital's favor on all claims.
- Thrifty Oil in a putative class action challenging its two-tiered pricing (cash and credit card). The case went before the state appellate court twice, *Linder v. Thrifty Oil*, 58 Cal. App. 4th 664 (1997) and 91 Cal. App. 4th 1070 (2001), as well as the California Supreme Court (23 Cal. 4th 429 (2000)). The case was ultimately resolved in a favorable settlement.
- A state prisoner in connection with his federal habeas corpus claims before the federal district court, Ninth Circuit and the United States Supreme Court. The district court granted the petition, the Ninth Circuit affirmed and over vigorous dissents (Justices Stevens, Souter, Ginsburg, and Breyer) – the United States Supreme Court reversed on a 5-4 vote. *Smith v. Robbins*, 528 U.S. 259 (2000). The recording of Mr. Nessim's oral argument before the Supreme Court can be heard at <https://www.oyez.org/cases/1999/98-1037>.
- Criminal defendant in a watershed federal prosecutorial misconduct case where the Ninth Circuit found that the prosecutor lied to the jury and misled both the trial and appellate courts, praised Mr. Nessim's conduct and rebuked the conduct of the United States' Attorney's Office. *United States v. Kojayan*, 8 F.3d 1315 (9th Cir. 1993). On remand from the Ninth Circuit, the district court dismissed the indictment with prejudice.
- An individual and his wholly owned corporation in a parallel federal civil and criminal case involving alleged trademark infringement and various other alleged frauds involving reconditioned circuit breakers where the civil case was settled on favorable terms to the clients prior to the start of the criminal trial and both clients were acquitted of all charges in the subsequent federal criminal trial. See Criminal (and Civil) Trademark Infringement; What Statute of Limitations Applies, Journal of the Patent and Trademark Society, December

1994.

- Benjamin Johnson, an internationally known pre-Colombian art appraiser and collector, in a federal pre-indictment criminal proceeding where, after lengthy hearings, the federal court ordered the U.S. government to return the pre-Colombian art it had seized from him and the United States Attorney's Office was convinced not to bring criminal charges against him. The Government of Peru then brought a parallel federal civil suit against Johnson claiming that his pre-Colombian art collection was the property of Peru under its patrimony laws. After a federal court trial, the court ruled in Johnson's favor on all causes of action. *Peru v. Johnson*, 720 F. Supp. 810 (C.D. Cal. 1989).

Education & Admissions

- University of Michigan Law School, J.D., *cum laude*, 1980
 - Stanford University, A.B., with distinction, Phi Beta Kappa, 1977
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- California Bar, 1980
- U.S. District Courts: Central, Northern, Southern, & Eastern Districts of California
- Ninth Circuit Court of Appeals
- United States Supreme Court, 1999

Associations

- Board of Directors, Teach Democracy (formerly Constitutional Rights Foundation), 2020-present
- Past Board Chair and current Executive Committee Member, Sephardic Educational Center in Jerusalem, 2006-present
- Mentor, Community Leadership Institute (CLI) of the Jewish Federation of Los Angeles, 2019-present
- Mentor, Leadership Council on Legal Diversity (LEADS), 2020-present
- Member, Standing Committee on Discipline, United States District Court, Central District of California, 2012-2016
- Board of Directors, Public Counsel, 2002-2010
- Board of Directors, including Executive Committee, Camp Ramah of California, 2002-2011
- Co-Chair, National ABA White Collar Crime Committee, 2004-2007
- Chair, West Coast Regional Subcommittee of the ABA White Collar Crime Committee, 2002-2004
- Co-Chair, Health Care & Abuse Subcommittee of the ABA White Collar Crime Committee, 1998-2004

Awards & Recognitions

- Legal Legend, *The Hollywood Reporter*, 2024
- Ranked, Litigation: Media & Entertainment, *Chambers USA*, 2016-present
- Legal Impact Report, *Variety*, 2014, 2023-present
- Leading Litigators in America, *Lawdragon*, 2023-present
- California Litigation Star, *Benchmark Litigation*, 2021-present
- Top 100 Power Lawyers, *The Hollywood Reporter*, 2019
- Elite Boutique Trailblazers, *National Law Journal*, 2018
- Lawyer of the Year, Criminal Defense: White-Collar, Best Lawyers®, 2015
- Local Litigation Star, *Benchmark Litigation*, 2015-present
- Best Lawyers in America®, 2006 – present
 - Entertainment Law - Motion Pictures and Television
 - Criminal Defense: White-Collar
 - Commercial Litigation
- Southern California Super Lawyers (Entertainment & Sports; White Collar Crimes; Business Litigation), *Super Lawyers Magazine*, 2004-present

Articles & Publications

Media & Entertainment Industry

- “Profit Participation Claims,” *Entertainment Law & Litigation*, Chapter 7, LexisNexis, (Author, 2017-18 and 2019-21 editions; Co-Author, 2023-24 edition)
- Co-Author, “The Application Of Sales Comparison Affiliate Transaction Provisions To New, In-House Streaming Transactions Involving Historical Television Programs, And Their Impact On Profit Participants” 28 UCLA ENT. L. REV. 33 (2021)
- Co-Author, “Mandatory Arbitration Provisions in Talent-Studio Contracts and Proposed Areas for Improvement,” 22 UCLA Ent. L. Rev. 233 (2015)
- Author, “Five Things to Consider Before Bringing a Profits or Other Claim Against a Major Studio,” Green Hasson & Janks LLP Publications, November 2014

White Collar including Health Care Fraud Defense

- Co-Author, “Recent Trials: Kilpatrick, Newman, and Nosal,” American Bar Association’s National Institute on White Collar Crime, March 2014
- Author, “Taking the Fifth,” California Lawyer, November 2013
- Co-Author, “Major Fraud Cases of 2012: Blagojevich, Edwards, and Gupta,” American Bar Association’s National Institute on White Collar Crime, March 2013
- Co-Author, “Medicare Cost Certification: The Government Asks Too Much,” ABA National Institute on The False Claims Act and Qui Tam Enforcement, November 2001
- Co-Author, “Open Questions Under the Anti-Kickback Statute,” ABA National Institute on White Collar Crime, March 2000

- Co-Author, "Litigation Issues in Fraud and Abuse," 19 Whittier Law Review 51, 1997
- Author, "Criminal (and Civil) Trademark Infringement; What Statute of Limitations Applies?" Journal of the Patent and Trademark Society, December 1994
- Author, "The Glass Slipper," The Los Angeles Lawyer, November 1994
- Author, "Joint Defense Privilege and Conflicts of Interest," The Los Angeles Lawyer, May 1992
- Author, "Conflicts and Confidences, The Defense Viewpoint," ABA Criminal Justice, Spring 1992

Complex Commercial Litigation

- Author, "Internal Investigations," ABA National Institute on Health Care Fraud, February 1994
- Author, "Parallel Civil and Criminal Litigation," The Los Angeles Lawyer, December 1990