

## Litigation

The Sklar Kirsh Litigation Practice Group is dedicated to providing premiere level legal representation to clients, no matter how large or small, across a broad spectrum of industries.

Our clients include Fortune 500 industry leaders, closely-held companies, and individuals in market sectors that range from entertainment and media, technology, marketing and communications, retail, apparel, manufacturing, energy, financial services, and real estate. We have skilled practitioners with deep experience in handling contract, complex commercial, partnership/shareholder, accounting, intellectual property, trade secret, right of publicity, right of privacy, fiduciary duty, unfair competition, and real estate litigation.

We view our role as not only litigators, but trusted counselors to our clients. We recognize that in many instances our clients' interests are best served by avoiding litigation. So, we regularly provide counsel on ways to successfully navigate around a dispute. But we are seasoned trial lawyers prepared to aggressively represent our clients' interests in controversies that require litigation, whether in court, through alternative dispute resolution mechanisms, or before administrative bodies.

## REPRESENTATIVE MATTERS

Represented office, industrial, retail, and multi-family commercial landlords in their lease disputes involving claims for breach of lease, tenant defaults, guaranty litigation, and other disputes.

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Represented a real estate developer of a 25-unit apartment complex in defending against claims made by a lending institution.

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Represented real estate agents, brokers, mortgage companies, and brokerage firms in connection with purchase and sale agreements, non-disclosure litigation and breach of fiduciary duty claims.

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Represented clients in construction defect litigation, involving both residential and commercial properties.

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Represented retail landlords nationwide to enforce their lease rights in asset sales and reorganizations during Chapter 11 bankruptcies. National multi-location retail tenants have included Kmart, Payless Shoes, Sports Authority, Toys R Us, Hometown Buffet, Hollywood Video, Linens 'n Things, Mervyns, Bally's Hotels and Casinos, Circuit City, Anchor Blue, KB Toys, RadioShack, Fresh & Easy, and Mattress Firm.

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Represented home purchasers in a dispute over fraudulent representations and concealment during the sales process. Negotiated a favorable resolution involving re-purchase of the home by the sellers.

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Represented an actuarial company in a dispute involving trade secrets, accounting, and restrictive covenants on competition.

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Represented a major coffee retail chain in a trademark, trade secret, and unfair competition suit brought by a store designer.

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Represented a Fortune 500 land development company in prosecuting an extortion and defamation lawsuit against parties who launched a highly orchestrated Internet attack on the company.

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Represented a petroleum company in individual actions resulting from an oil spill.

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Represented a utility company in disputes with municipalities over public work fees.

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Represented a utility company in a putative class action involving electric metering. Obtained the dismissal of class allegations.

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Represented a utility company against claims brought by a power provider for enforcement of PURPA and for damages under various 42 U.S.C. § 1983 theories. Negotiated a voluntary dismissal of most claims and prevailed on summary judgment on the remaining claims.

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Represented utility company in action by owner of wind generation facilities seeking \$30 million for alleged breach of interconnection agreements. Obtained a favorable settlement following successful motions and agency decision.

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Lead trial counsel for a major energy company in dispute with one of the world's largest oil companies. The oil company sought \$32 million plus punitive damages based on alleged lost profits and equipment damages from electrical interruptions to a California refinery. After a four-week trial in federal court (Central District of California), the jury returned a straight defense verdict in our favor on all claims. This case was profiled in [Law360](#).

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Represented an online provider of conference call services in trademark enforcement and prosecution matters.

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Represented and counseled various websites operators about appropriate procedures for triggering DMCA safe harbor protection.

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Represented new media company in action over alleged misappropriation of name and likeness of celebrity doctor for website content and marketing campaign. Negotiated voluntary dismissal of claims.

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Represented advertising agency in contract and copyright dispute over alleged use of images beyond the scope of the license with photographer. Negotiated favorable settlement.

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Represented advertising agency in contract and intellectual property dispute involving alleged misappropriation of a fictional character for use in an advertising campaign. Negotiated favorable resolution after filing Motion to Dismiss.

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Lead trial counsel for a marketing and promotions company in a two-week arbitration proceeding against world's largest automaker. Obtained an arbitration award for money damages and credit for creative work product based on breaches of contract.

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Represented high-profile executive of an entertainment company in a dispute over separation and continuing rights in intellectual property.

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Represented individual entertainers, athletes, models, and other celebrities in matters involving tabloid stories, personal service contracts, endorsements, and manager/agent claims.

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Represented a production company in an AFMA arbitration against a foreign distribution company over minimum guarantee payments. Negotiated a favorable resolution.

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Represented a television studio against participation claims brought by heirs of the creators of a popular soap opera. Negotiated a favorable resolution.

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Represented New Line Cinema against accounting and breach of contract claims by writer-director-producer Peter Jackson. Plaintiff also asserted so-called "vertical integration" claims related to distribution licenses involving affiliated companies.

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Represent a trust controlling literary rights to science fiction works in copyright and participation accounting disputes against a production company.

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Represented a production company in an action brought by a professional athlete concerning a reality television show. The asserted claims included right of privacy, right of publicity, trademark infringement and dilution, and false advertising. Secured a prompt resolution.

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Represented a production company in a privacy dispute concerning content of a reality television program. Prevailed on an anti-SLAPP motion and obtained attorneys' fees award.

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Represented production companies and studios in a host of disputes involving copyright and state law implied contract claims for alleged theft of ideas. Prevailed in summary judgment and negotiated early resolutions.

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Represented a motion picture studio in a copyright and trademark dispute over animated character rights. Prevailed on a dispositive motion and obtained a \$2 million attorney fee award.

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Represented television studio and series creator in copyright action. Obtained complete dismissal of action through motion, and secured six-figure award of attorneys' fees against plaintiff.

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