

JUSTIN M. GOLDSTEIN

PARTNER



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Education

University of Southern California Law Center, J.D.
Brandeis University, B.A., Magna Cum Laude

Admissions

California Bar
U.S. District Court Central District of California
U.S. District Court Northern District of California
U.S. Court of Appeals 9th Circuit

Justin M. Goldstein is the Chair of the firm's Litigation Department and a member of the Management Committee. He has extensive trial and appellate experience handling a wide range of business, entertainment, and intellectual property disputes in state and federal courts, as well as in arbitration. Repeatedly recognized by the *Los Angeles Business Journal* as one of the **500 Most Influential Business Leaders in Los Angeles**, as well one of the region's **Top Litigators and Trial Lawyers**, Justin has spent more than two decades successfully counseling and representing some of the Fortune 500's and entertainment industry's most prominent entities.

Justin began his career at Katten Muchin Rosenman, and then spent 10 years at O'Melveny & Myers, followed by seven years at Carlsmith Ball where he served as the head of the firm's Media & Entertainment Practice. His litigation experience includes handling disputes that involve unfair competition, partnership and shareholder claims, right of publicity and privacy, First Amendment, accounting and profit participation, fiduciary duties, personal service contracts, and infringement of copyright, trademark, trade dress, and trade secret interests. He has represented clients in industries including media and entertainment, technology, marketing and communications, retail, apparel, energy, manufacturing, finance, and real estate.

Justin has long had a keen interest in trial practice. While in law school, he served as an extern for a federal district court judge during a sweeping RICO trial of a dozen organized crime members. Justin honed his skills second-chairing on matters for Daniel Petrocelli at O'Melveny & Myers for a decade, while also serving as a volunteer City Attorney, handling a number of criminal jury trials as lead prosecutor. Since leaving O'Melveny in 2010, Justin has represented both institutional and individual clients on a wide range of litigated matters.

For example, Justin was lead trial counsel for Southern California Edison Company in dispute with ExxonMobil Oil Corporation. Exxon 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 for Edison on all claims. This case was profiled in **Law360**.

Justin was born and raised in Los Angeles and is a product of Crossroads School, where his two children now attend. Justin received his B.A. from Brandeis University, graduating Magna Cum Laude, and his J.D. from USC's Gould School of Law. Justin has **published articles** and served as a guest lecturer at USC, UCLA, and Southwestern Law School on such topics as idea submission law, right of publicity, claims against talent agents and managers, alternative dispute resolution, and remedies for litigation misconduct.

Justin's experience includes the following matters:

Representative Entertainment Industry Matters

- Represented a motion picture studio in a copyright and trademark dispute over animated character rights. Prevailed on a dispositive motion and obtained a US\$2 million attorney fee award.
- 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.
- 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.
- Represented television studio and production company in dispute over claimed misrepresentations about conditions of location set in Louisiana. Obtained early dismissal through pleading motion based on application of "borrowing statute" for utilizing Louisiana limitations period. Successfully argued before the Court of Appeal, which upheld trial court ruling.
- Represented a television studio and production company in copyright action over a popular television series. Prevailed on Motion to Dismiss based on lack of similarity between the works.
- 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.
- 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.

- Represented a television studio against participation claims brought by heirs of the creators of a popular soap opera. Negotiated a favorable resolution.
- Represented production companies in IFTA arbitrations against a foreign distribution company over minimum guarantee payments. Negotiated favorable resolutions.
- Represented a foreign distribution company in an IFTA arbitration against a production company over the right to distribute sequels to a popular motion picture. Negotiated a favorable resolution.
- Represented a trust controlling literary rights to science fiction works in copyright and participation accounting disputes against a production company.
- Represented individual entertainers, athletes, models, and other celebrities in matters involving tabloid stories, personal service contracts, endorsements, and manager/agent claims.
- Represented high-profile executive of an entertainment company in a dispute over separation and continuing rights in intellectual property.

Representative Commercial Matters

- Represented a former professional athlete in a partnership dispute over a series of businesses. Obtained arbitration award removing the adverse party as a partner from all businesses, plus a \$3 million award. The full award was upheld following trial court and appellate court challenges.
- Represented significant company stakeholder in arbitration proceeding against company CEO to block seven-figure bonus demanded by CEO. Prevailed in arbitration, including obtaining reimbursement for attorneys’ fees.
- Represented Fortune 500 professional services enterprise in defense of state court abuse of process action based on prior post-judgment enforcement efforts. Prevailed on anti-SLAPP motion, securing dismissal of lawsuit and attorneys’ fees award.
- 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.

- Represented a major coffee retail chain in a trademark, trade secret, and unfair competition suit brought by a store designer.
- Represented an actuarial company in a dispute involving trade secrets, accounting, and restrictive covenants on competition.
- 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.

Representative Energy Industry Matters

- Lead trial counsel for Southern California Edison Company in dispute with ExxonMobil Oil Corporation. Exxon 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 for Edison on all claims. This case was profiled in [Law360](#).
- Represented Southern California Edison Company in action filed by major medical products manufacturer seeking millions based on alleged fraud and contract breaches concerning tariff-authorized billing programs. Prevailed through summary judgment by arguing all claims were barred by the rarely-invoked “filed rate doctrine.” Successfully argued before the Court of Appeal, which issued decision upholding trial court’s dismissal in all respects.
- 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.
- 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.
- Represented a utility company in a putative class action involving electric metering. Obtained the dismissal of class allegations.
- Represented Southern California Edison Company against claims by major agricultural enterprise for losses based on significant power

outage. Favorably resolved following successful pleading motion.

- Represented a utility company in disputes with municipalities over public work fees.
- Represented a petroleum company in individual actions resulting from an oil spill.

Representative Internet and High Tech Industry Matters

- Represented Advanced Micro Devices in a worldwide monopolization suit against Intel and in November 2009, obtained US\$1.25 billion settlement and wide-ranging injunctive relief. The historic settlement was one of the largest single plaintiff recoveries ever reported.
- Represented a technology company in a design patent, copyright, and trade secret dispute concerning 3D glasses.
- Represented and counseled various websites operators about appropriate procedures for triggering DMCA safe harbor protection.
- Represented an online provider of conference call services in trademark enforcement and prosecution matters.

Representative Media & Communications Industry Matters

- 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.
- Represented media client in numerous actual or threatened defamation disputes.
- 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.
- Represented advertising agency in contract and copyright dispute over alleged use of images beyond the scope of the license with photographer. Negotiated favorable settlement.
- 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.