

Pierce O'Donnell

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Pierce O'Donnell is one of the most influential, accomplished, and sought after trial attorneys in the U.S., with groundbreaking success representing clients in closely watched matters across virtually every major industry and area of litigation. Pierce was lead counsel to Shelly Sterling in the litigation surrounding the \$2 billion sale of the Los Angeles Clippers to Steve Ballmer.

A graduate of Georgetown University and both Georgetown and Yale Law Schools, Pierce's legal career began with prestigious clerkships for U.S. Supreme Court Justice Byron R. White and Ninth Circuit Judge Shirley M. Hufstедler. This early experience set him on a path that would always combine his passions for trying cases in the courtroom and for writing provocative articles and books outside of his law practice.

A Decorated Litigator

Pierce was named one of the "100 Most Influential Lawyers in America" by *The National Law Journal*, as one of "California's Top Entertainment Lawyers" by the *Daily Journal*, and "MVP of the Year" by *Law360*. *LawDragon* has consistently named him one of the 500 leading lawyers in the nation. The *Los Angeles Business Journal* named him one of the 500 Most Influential People in Los Angeles (2016 - 2018). In 2014, the *Daily Journal* recognized Pierce as one of the "Top 100 Lawyers in California" and as a "Top Entertainment Lawyer in California."

He is a member of the elite International Academy of Trial Lawyers, the American Law Institute, the American Board of Trial Lawyers, and the American Trial Lawyers Association. In addition, he is routinely named as one of the premier trial lawyers in his hometown of Los Angeles, California and in the U.S. by legal publications such as *Super Lawyers*, *The Best Lawyers in America*®, *Chambers & Partners* and the *Daily Journal*,

Services

- Litigation
- Entertainment Litigation
- Environmental Litigation
- Intellectual Property Litigation
- Sports
- Crypto & NFTs
- High Net Worth & Probate Litigation
- Appellate Litigation

and he has achieved the highest possible AV Rating from Martindale-Hubbell. *Forbes* called him the “new Perry Mason in Hollywood.” Pierce's advocacy on behalf of children around the world earned him the prestigious Raoul Wallenberg Save the Children Award.

A Legendary Trial Lawyer

Over his 48-year legal career, Pierce has tried a long list of significant cases for major clients, such as the famed *Buchwald v. Paramount Pictures* case related to the movie “Coming to America,” litigation on behalf of the victims of Hurricane Katrina, and the *Metro Goldwyn Mayer v. American Honda* case that recognized federal copyright protection for James Bond. In 2009, he led a team that secured the largest jury verdict in California (\$350 million), making him Trial Lawyer of the Year. In addition to dozens of trials across the country, Pierce has argued more than 25 cases in federal and state appellate courts and handled more than 500 civil and white-collar criminal cases. Spotlighted by *Variety* as “The Billion Dollar Litigator,” he has collected over \$7 billion for clients in a variety of cases ranging from antitrust, divorce, entertainment, environmental cost recovery, intellectual property, and business litigation.

A Renowned Author and Speaker

A highly-respected thought leader in the legal profession, Pierce is also the author of more than 200 articles and six books. His scholarly articles have covered important legal topics such as constitutional law, intellectual property, toxic torts, sports, professional responsibility, and criminal justice reform, and they have been published in respected journals such as the American Bar Association Journal, Colorado Law Review, and Georgetown Law Journal.

Pierce has also published a number of highly-acclaimed books and other creative works. His articles have appeared in a number of publications, including *The Washington Post*, *Los Angeles Times*, [Huffington Post](#), *Chicago Tribune*, *San Francisco Chronicle*, *Boston Globe*, *Houston Chronicle*, *Miami Herald*, *Philadelphia Inquirer*, and *Denver Post*. Pierce co-authored “Fatal Subtraction: How Hollywood Really Does Business,” a best-selling account of his role in the *Buchwald v. Paramount Pictures* case, co-authored the screenplay for the feature film “Home Team” starring Steve Guttenberg, wrote a stage-play “Socrates on Trial”, and authored a critically-acclaimed book regarding a forgotten episode of World War II, “*In Time of War: Hitler’s Terrorist Attack on America*.” In 2021, Pierce published “*Last Pick*,” a whimsical warmhearted autobiography of a twelve-year-old who became a great trial lawyer.

A regular TV and radio commentator, Pierce has appeared on numerous programs on ABC, CBS, NBC, CNN, FOX, PBS, NPR, and BBC. Pierce has lectured at the nation's premier law schools, including Harvard, Yale, UCLA, USC, Loyola (Los Angeles), Pepperdine, Stanford, and Georgetown. In a major address on international human rights, he was the first person to speak in the Rotunda of the Four Courts in Dublin, Ireland since Winston Churchill.

Clerkships

- Honorable Justice Byron R. White on U.S. Supreme Court
- Honorable Judge Shirley M. Hufstедler on the Ninth Circuit

Professional Affiliations

- International Academy of Trial Lawyers
- American Board of Trial Advocates
- American Law Institute
- American Trial Lawyers Association
- Economic Roundtable of Los Angeles

Bar Admissions

- California

Education

- Yale Law School (LL.M.)
- Georgetown University (J.D.)
- Georgetown University (B.A.)

Trials

Technical Training Foundation v. California Pacific Medical Center (San Francisco County Superior Court; judge) (2026)

Along with his partner Fred Fenster, Pierce represented a foundation which had funded a pathbreaking, world-renowned biorepository for liver tissues located for a decade at the California Pacific Medical Center (CPMC) in San Francisco. Problems developed, and three years ago, CPMC sent a notice of eviction that threatened the existence of the biorepository. The foundation hired Greenberg Glusker which filed a lawsuit on its behalf to prevent the ruination of the biorepository. Within three days, CPMC asked to stay the litigation and enter into settlement discussions. Three years later, the parties finally entered into a settlement favorable to the foundation. The liver repository was saved and is being relocated at the University of California at San Francisco Medical Center.

Terpin v. AT&T Mobility, LLC (U.S District Court for Central District of California; judge) (2025)

Pierce led a Greenberg Glusker team representing a prominent cryptocurrency investor who had \$24 million of cryptocurrency stolen by a 15-year-old hacker who breached AT&T's porous customer security system by executing a "Sim swap." The hacker was aided in accessing its customer's accounts by an AT&T retail store employee who was

bribed with \$200. The lawsuit was filed in 2018. The federal judge granted two motions to dismiss and then a motion for summary judgment. The trial court ruled that the Federal Communications Act did not protect the personal information on the victim's phone that the hacker had commandeered.

Mr. Terpin appealed, arguing that the hacker gained control over his phone number through a fraudulent Sim swap, received his password reset messages for his online accounts, and stole the \$24 million of his cryptocurrency. In the first of its kind precedential decision, the Ninth Circuit reversed the grant of summary judgment and remanded the case for trial. The court of appeal held that Section 222 of the Federal Communications Act imposes a duty on telecommunications carriers to protect “customer proprietary network information” (CPNI). Thus, the telecom giant can be liable for damages when it allows a hacker to get into its system, access the customer's AT&T account, steal the CPNI and thereby purloin his assets. *Terpin v. AT&T Mobility, LLC*, 118 F.4th 1102 (9th Cir. 2024) Following remand, the case settled.

Jones v. T-Mobile (Los Angeles; arbitrator) (2024)

Pierce served as lead counsel representing a client who had millions of dollars of Bitcoin stolen by a 17-year-old hacker who breached T-Mobile's customer security system. This “Sim swap” was facilitated by T-Mobile's failure to follow its own controls designed to prevent such security breaches. Pierce and his Greenberg Glusker team proved that T-Mobile knew about the flaws in its security measures but failed to correct them. The arbitrator ruled that the T-Mobile negligently failed to protect our client's personal data as required by Section 222 of the Federal Communications Act. She awarded \$33 million to the firm's client, including attorney's fees. This is a landmark victory since it is the first decision holding a mobile phone carrier liable for a customer's financial losses in these circumstances.

Corday Productions, Inc. v. Sony Pictures Television, Inc. et. al. (Los Angeles County Superior Court; judge) (2019)

Pierce represented Corday Productions, Inc., producer of the “soap” *Days of Our Lives*, in a lawsuit against Sony Pictures Television (including Columbia Pictures and Screen Gems) for over \$20 million, alleging breach of contract and fraud. The lawsuit claimed Sony (the series distributor and co-owner) sabotaged the show's international distribution to benefit *The Young and the Restless*. The recipient of numerous Emmy Awards, *Days of Our Lives* has aired over 15,300 episodes on NBC since its debut 61 years ago. Specifically, the complaint alleged that Sony deliberately neglected marketing and distribution to create artificial losses. The lawsuit highlighted Sony's conflict of interest because it holds a 100% ownership stake in *The Young and the Restless*—the *Days of Our Lives* rival. After a round of pre-trial motions, the case settled.

***Angelina Jolie v. Brad Pitt* (Los Angeles County Superior Court; judge) (2016)**

Academy Award-winning actress Angelina Jolie (*Girl Interrupted*) and Academy Award-winning actor Brad Pitt (*Once Upon A Time in Hollywood*) were launching a contentious public divorce battle. Jolie hired Greenberg Glusker partners Bert Fields and Pierce O'Donnell for what she called her "dream team." The case was eventually settled.

***Amber Heard v. Johnny Depp* (Los Angeles County Superior Court, Judge) (2016)**

Pierce represented Amber Heard in her divorce case against Johnny Depp. The contentious, highly-publicized battle featured Heard's charges that Depp has guilty of domestic violence, and she obtained a temporary restraining order in May 2016. Heard presented evidence of repeated verbal and physical abuse associated with alcohol and drug abuse. On the eve of the hearing for issuance of a permanent domestic violence protection order, Depp agreed to pay Heard \$7 million for only a 15-month marriage. Pierce did not represent Heard in her subsequent defamation cases with Depp.

***Sharif Rahman and Hasim Rahman, Jr. v. Floyd Mayweather, et. al.* (Clark County (Nevada) District Court, Jury) (2015)**

Pierce represented Hasim Rahman Jr. and Sharif Rahman, sons of former heavyweight champion Hasim Rahman Sr., in their lawsuit against Floyd Mayweather Jr., Mayweather Promotions, and Showtime Networks. Undefeated at 50–0, the legendary boxer won 15 major world championships spanning five weight classes from super featherweight to light middleweight. The Rahmans's lawsuit stemmed from sparring sessions at the Mayweather Boxing Club in Las Vegas that were aired on the Showtime "All Access" reality series designed to promote Mayweather's rematch against Marcos Maidana. The brothers alleged that they were forced into unsafe, unsanctioned "doghouse" sparring sessions, with one fight lasting 31 minutes without a break. The lawsuit accused defendants of battery, tortious assault, false imprisonment, negligence, and using the footage without their consent. They also accused Mayweather of lying to the Nevada State Athletic Commission, claiming that the fights were not real, despite them being dangerous in reality. The case settled before trial.

***Sterling v. Stiviano* (Los Angeles County Superior Court; judge) (2015)**

Shelly Sterling sued her husband Donald's notorious mistress, V Stiviano, to recover several million dollars of gifts and money that Donald had bestowed on his paramour (including a \$1.8 million house, two Bentleys, a Ferrari, Range Rover, clothing, jewelry, cash, and credit cards). Relying on *California Family Code Section 1100*, Pierce and his

Greenberg Glusker team advanced the novel legal theory that Shelly could sue the recipient of the gifts (instead of merely suing her husband) because she had not consented in writing to these transfers of community property. After a trial, the court ruled in Shelly's favor, ordering that title in the house be transferred to the community and Stiviano pay back over \$800,000.

***Sterling v. Sterling* (Los Angeles County Superior Court; judge) (2014)**

Pierce led the Greenberg Glusker team representing Shelly Sterling whose husband Donald Sterling, a co-owner of the Los Angeles Clippers basketball team, was banned for life from the NBA and fined \$2.5 million for his racist comments on an audiotape released by his mistress V Stiviano. The NBA set in motion the process for seizing the team from the Sterlings (who were the team's co-owners through their family trust) and selling the franchise at an auction. Battling both the NBA and Donald, Pierce and his team, representing Shelly as sole trustee of the family trust and after removing Donald as the other trustee, sold the Clippers to former Microsoft CEO Steve Ballmer for the record-shattering price of \$2 billion—nearly four times the price ever paid for an NBA team. Pierce then led the Greenberg Glusker team representing Shelly in a trial in the Probate Court against Donald who opposed the sale. The court ruled in Shelly's favor, finding that she had the legal authority to sell the team and instructed her to close the unprecedented sale.

***Terry Watanabe v. Harrah's Entertainment et. al.* (Clark County (Nevada) District Court, Judge) (2010)**

Pierce represented Terry Watanabe in two related actions in Las Vegas. Watanabe was a gambling addict who lost \$300 million at Caesar's Palace and Rio over the course of a couple of years. After selling his company Oriental Trading for several hundred million dollars, Watanabe became known for his lavish, compulsive gambling habits. In 2007 alone, he was reported to have lost \$127 million at Caesars Palace and The Rio (both owned by Harrah's Entertainment) after having gambled a total of \$825 million. Watanabe is widely considered the biggest whale in the history of Las Vegas.

Watanabe had a massive line of credit ("markers"). When he did not pay off a marker for \$15 million, Caesars Palace got the District Attorney to file criminal charges against him for passing a bad check. Harrah's Entertainment also sued him for the unpaid \$15 million.

Pierce pursued an aggressive two-prong strategy. First, he filed a counterclaim against Harrah's Entertainment, claiming that its two casinos had exploited his client's well-known gambling addiction by a host of illegal means such as plying him with prescription pain killers, alcohol, and escorts. Second, he filed a motion to dismiss the indictment, alleging that Nevada's bad check statute was unconstitutional for a variety of reasons.

One ground was the longtime cozy relationship between casinos and the District Attorney, which acted like their collection agency and received an “administrative fee” (commission) on everything collected from defendants. The strategy worked: fearful that this major revenue-producing scheme would be invalidated, the District Attorney dismissed the indictment; Watanabe dropped his civil lawsuit against Harrah's; and Harrah's agreed to delay proceeding with its lawsuit while both sides went to binding arbitration to resolve Harrah's \$15 million claim against Watanabe. The arbitration settled favorably for Watanabe.

***Auerbach Acquisition Associates v. Daily* (Los Angeles County Superior Court; jury) (2009)**

Pierce served as lead trial counsel for the plaintiff in a tortious interference with contract lawsuit against defendant who misappropriated an investment opportunity in a credit card processing company. After a four-month trial, the jury returned a verdict of \$350,000,000 for plaintiff (\$300,000,000 in compensatory and \$50,000,000 in punitive damages). This was the largest jury verdict in California in 2009, and Pierce was named California Trial Lawyer of the Year.

***In re Katrina Canal Breaches Litigation* (Eastern District of Louisiana; judge) (2009)**

Pierce served as lead trial counsel for 300,000 Hurricane Katrina flood victims, State of Louisiana, City of New Orleans, and St. Bernard Parish in Federal Tort Claims Act lawsuit against the United States for the flooding of Greater New Orleans. After a month-long trial, the federal judge, in an historic ruling, found the U.S. Army Corps of Engineers “grossly negligent” in the design, maintenance, and operation of the MR-GO navigation channel which caused numerous levees to fail, resulting in the catastrophic flooding.

***In re California Natural Gas Pipeline Antitrust Litigation* (San Diego County Superior Court; jury) (2006)**

Pierce served as lead trial counsel for a class of 12.5 million California natural gas and electricity ratepayers and several municipalities in an antitrust action against El Paso Natural Gas, Sempra Energy, SoCal Gas, and San Diego Gas & Electric for rigging natural gas prices that caused the California Energy Crisis. Pierce secured a \$3.5 billion recovery in settlement after three months of trial—the largest ever class action consumer antitrust recovery.

***Contreras et al. v. Pfizer Inc.* (Los Angeles County Superior Court; jury) (2004)**

Two wrongful death actions against manufacturer of anti-diabetes drug Rezulin which had admittedly caused liver failures, leading to death in some patients. Pierce defended Pfizer in a month-long jury trial, and he secured a total defense verdict against Thomas Girardi, one of the nations' leading plaintiffs' trial lawyers.

Wakefield v. Pfizer Inc. (Tulsa County Oklahoma; jury) (2002)

A wrongful death action was filed Pfizer Inc. by the family of man who took the anti-diabetes drug Rezulin that admittedly had caused in some patients liver failure leading to death. Pierce was hired by the drug manufacturer three weeks before trial in a classic "damage control" situation. Plaintiff asked the jury to award \$60 million in compensatory damages and \$600 million in punitive damages. The jury awarded only \$1.55 in compensatory and \$10 million in punitive damages.

Jeffrey Katzenberg v. The Walt Disney Company (Los Angeles County Superior Court; judge) (1999)

During his 10-year tenure (1984 to 1994) presiding over Walt Disney Studios, Jeffrey Katzenberg had an extraordinary run of blockbuster films that grossed billions of dollars. Mega-hits like *The Lion King*, *Aladdin*, *The Little Mermaid*, *Beauty and the Beast* alone garnered worldwide box office gross revenues of \$2.13 billion (\$5 billion today). Katzenberg's contract guaranteed him an incentive bonus of 2% of profits from films and TV shows released on his watch. When Katzenberg left the studio to form rival studio DreamWorks SKG with Steven Spielberg and David Geffen, Disney refused to pay him his share of those profits.

In 1996, Katzenberg hired Hollywood super lawyer Bert Fields to sue Disney for breach of contract for \$250 million. Disney's prime defense relied on the claim that Katzenberg breached his six-year contract and thereby forfeited his bonus by leaving two years early. Katzenberg's eye-popping demand was largely driven by the colossal unanticipated success of Disney's animation division in the early 1990s, making the 2% stake far more valuable than initially anticipated when his contract was signed in 1984.

Pierce entered the fray representing *Daily Variety*, *Los Angeles Daily Journal*, *Los Angeles Times*, *Time Inc.*, Dow Jones & Company, Inc., and other media outlets. Up to that point, the Katzenberg trial had been closed to the press and public. Pierce filed a motion to allow media and public access to the final stages of the trial dealing with damages following the court's finding that Disney breached Katzenberg's contract.

In early May, Pierce argued that a trial conducted in secrecy violated the First Amendment guarantee of a free press and the people's access to government functions. Pierce contended that the public proceedings and court records in one of Hollywood's most celebrated lawsuits—involving a public company with millions of shareholders—

were improperly sealed. Citing a California statute that the type of process being used in the case was in fact a judicial proceeding, Pierce argued that the trial was no different than one occurring in the downtown Los Angeles Superior Court where they were presently arguing the motion. Disney strenuously opposed opening trial, claiming that the case should remain closed because “proprietary, confidential and trade secret information lies at the core of the proceeding.”

Superior Court Judge John W. Ouderkirk granted the motion and lifted the protective orders, exposing previously sealed documents and allowing public scrutiny of the high-profile Hollywood dispute as it went forward. Two months later, just days before Eisner was set to testify, Disney settled, paying Katzenberg \$250 million.

“Bond, James Bond”

James Bond is easily regarded as the most enduring, popular movie character in cinema history. The franchise has featured 12 leading actors in 27 movies over 63 years. The franchise’s immense, long-term popularity is highlighted by the mind-boggling fact that between 25% and 50% of the world’s population has watched at least one James Bond movie. Total inflation adjusted box office is about \$20 billion.

Protecting the value of this precious asset fell to Pierce. For more than a decade, he served as lead counsel in a series of cases defending the copyright and trademarks of the multi-billion dollar James Bond film franchise. He championed 007 against poachers, foreign and domestic, in high-profile lawsuits in federal court in Los Angeles. Two of those reported cases discussed below have been heralded as precedent-setting.



***Metro-Goldwyn-Mayer, Inc. v. American Honda Motor Co.* (U.S. District Court for the Central District of California; judge) (1995)**

Historically, federal copyright protection extended to only literary characters who are sufficiently distinctive and delineated in the underlying work such as a play, novel, or short story. A few famous literary characters have been found protectable: Superman, Rocky Balboa, and Tarzan. Sam Spade (*The Maltese Falcon*) failed the test because he

was deemed a stock or generic hard-boiled detective.

Cinematic characters had never enjoyed copyright protection. Until...[Honda released a tv commercial](#) ("Escape") featuring a suave, tuxedo-clad man and an attractive, elegantly-dressed female companion being chased in a Honda del Sol by a high-tech helicopter. A grotesque villain with metallic arms jumps onto the car roof, threatening harm. With a flirtatious turn to his companion, the male driver deftly releases the Honda's detachable roof, sending the villain into space and effecting the couple's speedy get-away. Distinctive James Bond movie music plays in the background.

Copyright owners Danjaq, LLC and Metro-Goldwyn-Mayer, Inc. hired Pierce to sue American Honda for copyright infringement. The complaint alleged that the commercial slavishly imitated the distinctive "James Bond hero" character and style as consistently portrayed in every Bond movie. The evidence demonstrated that ad also copied specific scenes from 16 James Bond films. The court issued a preliminary injunction, banning the commercial from airing in any medium. *See Metro-Goldwyn-Mayer, Inc. v. American Honda Motor Co.*, 900 F. Supp. 1287 (C.D. Cal. 1995)

In a landmark copyright decision, the court ruled that the Bond character was a protected expression, not just a generic character. For the first time, a court recognized that a cinematic character, depicted consistently over 16 films, rather than just in one book or movie, can acquire specific copyright protection. The judge noted that like Sherlock Holmes or Superman, James Bond has specific traits (cold-bloodedness, overt sexuality, "shaken, not stirred" martinis) developed over many films that make him a "specially delineated" character worthy of protection, regardless of which actor plays him. This was "a testament to the fact that Bond is a unique character whose specific qualities remain constant despite the change in actors."

In a scholarly opinion, the court applied the "**intrinsic test.**" The "concept and feel" of the commercial—including characters, music, pace, and mood—were substantially similar to the Bond films. The James Bond character was entitled to broad copyright protection even if the commercial did not use the exact script from a Bond film. It is capturing the "formula" and "feel" of the character that constitutes infringement.

The trial judge rejected Honda's reliance on the fair use and parody exception to copyright protection. The ad was not a true parody but rather a "James Bond lite" commercial used for commercial gain.

Honda claimed that the ad was a generic "action/spy" parody inspired by films like *Aliens*. The defendant also pressed the argument that characters in the action genre are non-protectable "stock" characters. The court rejected this characterization, expressly holding that the James Bond character is a unique, copyrightable entity. Interestingly, Honda's defense that the ad was an original concept inspired by *Aliens* evaporated when it was revealed that internal ad project names included "James Bob"—a direct reference to James Bond.

The court's decision is routinely cited in copyright law for how it defines the protectability

of fictional characters.

***Danjaq, LLC v. Sony Corporation*, 263 F.3d 942 (9th Cir. 2001) (U.S. Court of Appeals for the Ninth Circuit)**

Another historic case involved a dispute over the source for creation of the film version of the James Bond character. With Pierce representing them, the owner of the copyright (Danjaq, LLC) and the movies' distributor (Metro-Goldwyn-Mayer, Inc.) ("Danjaq/MGM") defeated the claim of an Irish film producer (Kevin McClory) that he held the film rights to *Thunderball* and that key elements of the Bond world depicted in the *Thunderball* movie—the "cinematic James Bond" character, SPECTRE, the villain Ernst Stavro Blofeld, and the theme of nuclear blackmail—had been misappropriated and used in all the James Bond movies. McClory asserted that in the *Thunderball* screenplay, he transformed the supposedly violent and alcoholic James Bond of the Fleming books into the movie character who is so beloved, recognizable and marketable, and that he had a significant stake in the Bond movies, stemming from his rights to *Thunderball* obtained long ago from the author Ian Fleming.

Plaintiffs framed the plot differently. They contended that James Bond is largely the creation of the Ian Fleming, as adapted and transformed for the silver screen by them over many years. Danjaq/MGM maintained that they owned the rights to Bond, which were passed on to them over time by Fleming and producers Harry Saltzman and Albert "Cubby" Broccoli. For an instructive discussion of the history of the James Bond copyright, [click here](#).

An intriguing wrinkle was the fact that McClory had contracted with Sony to make what the studio claimed would be its own rival 007 franchise. Sony's boast that "James Bond has a new home" on its lot was viewed by Danjaq/MGM as an existential threat. The pretrial discovery was no-hold-barred—two archrivals battling to the death.

Pierce obtained a preliminary injunction against the studio prohibiting any such intrigue. Sony surrendered, relinquished any rights to make Bond movies, paid plaintiffs \$5 million, and agreed not to sin again. That left McClory who had filed a counterclaim for copyright infringement.

At trial, the District Court ruled in plaintiffs' favor. In light of McClory's decades-long delay in asserting his rights, his claim was barred by the equitable doctrine of laches due to unreasonable, prejudicial delay. Ironically, the trial was delayed by McClory's absence; he never showed up.

On appeal, the Ninth Circuit affirmed in what copyright experts consider a landmark and pivotal copyright laches case. The appellate court held that McClory's failure for over four decades to assert ownership rights to James Bond enabled Danjaq/MGM to secure exclusive rights, thereby putting McClory out of the Bond movie business. See *Danjaq, LLC v. Sony Corporation*, 263 F.3d 942 (9th Cir. 2001)

The temptation to frame the controversy in Bondian terms proved irresistible to the Ninth

Circuit in the opinion's introduction.

"Every so often, the law shakes off its cobwebs to produce a story far too improbable even for the silver screen—too fabulous even for the world of Agent 007. This is one of those occasions, for the case before us has it all. A hero, seeking to redeem his stolen fortune. The villainous organization that stands in his way. Mystery! International intrigue! And now, not least of all, the dusty corners of the ancient law of equity."

The opinion ends with an Ian Fleming-like flourish: "So like our hero James Bond, exhausted after a long adventure, we reach the end of our story."

Steven Spielberg

Steven Spielberg is one of the most influential filmmakers in cinema history. A central creative force in Hollywood for over a half century, he is credited with being the architect of the modern blockbuster. His films have garnered three Academy Awards. Spielberg directed *Jaws*, *E. T.*, *The Extraterrestrial*, *Jurassic Park*, *Indiana Jones and The Lost Ark*, *Schindler's List*, *Saving Private Ryan*, *Lincoln*, and *Munich*. Spielberg is one of the highest grossing directors of all time.

Over the course of his career, Pierce represented three clients who had sued Steven Spielberg and his company over entertainment-related disputes. (The *Amistad* case was one of them.) Pierce twice took Spielberg's deposition. The three cases reached amicable settlements.

In an unusual move, Spielberg then hired Pierce to defend his company DreamWorks in a 2001 lawsuit filed by Irish film producer Jerome O'Connor. Seeking over \$100 million in damages, Plaintiff claimed (falsely) that he had an agreement with DreamWorks to distribute *An Everlasting Piece* in 800 US cinemas, but it was shown on only eight screens and earned a paltry \$70,000 before being removed. O'Connor alleged (falsely) that DreamWorks suppressed the film to appease British officials.

The truth was that consistent with the practice for marketing independent, low-budget films like *An Everlasting Piece*, DreamWorks tested the movie in a few theaters. Virtually no one showed up. DreamWorks pulled the movie.

Pierce was able to get the complaint dismissed.

GoTo.com, Inc. v. The Walt Disney Company (United States Court of Appeals, Ninth Circuit (2000))

GoTo.com, Inc. operated a website featuring a search engine and began using a logo in

December 1997 featuring the words "GO" "TO" in white font stacked vertically within a green circle against a yellow square background with a traffic light look. Preparing to launch its Go Network, Disney commissioned a similar logo in April 1998, which also featured a green circle within a yellow square and the word "GO" in white with a traffic light look.



GoTo.com offered an online marketplace bringing advertisers and customers together. In January 1999, Disney launched Go.com as a network of news and entertainment sites that offered internet search capabilities and email. Websites for such Disney properties as ABC News, ESPN, and the Disney Channel were part of the Go Network. GoTo.com executives believed that Disney's Go.com logo was too similar to their company's circular green logo emblazoned with the GoTo moniker.

GoTo.com hired Pierce to sue The Walt Disney Company for trademark infringement and to enjoin its use of its Go Network logo. The complaint alleged that Disney's logo strikingly resembled GoTo.com's logo, causing confusion among users. The District Court issued a preliminary injunction prohibiting Disney from using its Go Network logo.

On Disney's appeal, the Ninth Circuit unanimously affirmed in a landmark trademark infringement decision. The appellate court found the logos "glaringly similar" and likely to cause confusion. *GoTo.com, Inc. v. The Walt Disney Company*, 202 F.3d 1199 (9th Cir. 2000). The case is widely cited for the principle that despite the vastness of the internet, similar logos for online services can create actionable confusion. The outcome is considered a major victory for the smaller company (GoTo.com) against a corporate giant (Disney).

On remand, Disney paid \$21.5 to GoTo.com, agreed to stop using its Go Network logo, and was required to remove its logo from everywhere it had been embedded on its ABC News, ESPN, and the Disney Channel sites at a cost of \$40 million.

***Three Boys Music Corp. v. Michael Bolton* (United States Court of Appeals for the Ninth Circuit) (2000)**

The Isley Brothers and Michael Bolton were both Grammy Award-winning musical giants. One of this country's most well-known rhythm and blues groups, the Isley Brothers sued Bolton, alleging that Bolton's 1991 pop hit *Love Is A Wonderful Thing* infringed on the copyright of a 1964 Isley Brothers' song of the same name. In 1994, a jury ruled in their

favor and hit Bolton with a \$5.4 million award. The winning trial lawyer (John McNicholas) associated Pierce to handle the appeal.

Bolon's primary argument centered the sufficiency of the evidence that Bolton ever had access to the plaintiff's song. The dispute focused on whether Bolton had ever heard *or could have heard* the song on the radio. Bolton also claimed that there was insufficient evidence of substantial similarity between the songs.

In what is recognized as a landmark copyright infringement decision, the Ninth Circuit affirmed. While this was "a weak case of access and a circumstantial case of substantial similarity [,] . . . there was substantial evidence from which the jury could find access and substantial similarity in this case." *Three Boys Music Corp. v. Michael Bolton*, 212 F.3d 477 (9th Cir. 2000). [Click here for an analysis of the significance of the case.](#)

[Click here for The Isley Brothers version of Love Is A Wonderful Thing](#)

[Click here for Bolton's version of Love Is A Wonderful Thing](#)

Lockheed Martin v. United States (Central District of California; judge) (2000)

Pierce represented aircraft manufacturer in a lawsuit against the United States alleging that the government was responsible for sharing \$500 million of costs of cleaning up polluted groundwater in Burbank. Employing CERCLA, Pierce secured a ruling that the government was an operator of Lockheed Martin's aircraft manufacturing plant and therefore a responsible party under the law. The government paid \$235 million to Lockheed Martin and agreed to be responsible for half of future remediation costs.

Steven Brill v. The Walt Disney Company (Los Angeles County Superior Court; judge) (1999)

The 1992 feature film *Mighty Ducks* was an evergreen asset for its distributor The Walt Disney Company. Besides the successful movie, it spawned multiple films, a TV series, merchandise, and an actual NHL team (Mighty Ducks of Anaheim). The franchise generated over \$1 billion in merchandise and related revenue. Steve Brill was the screenwriter and creator of the film and sequels who believed that he was entitled to \$25 million of unpaid royalties for merchandising and licensing revenue from his creations. Brill argued that under Writers Guild of America (WGA) agreements, he was entitled to "5% of the "absolute gross that the studio receives from exploiting unique objects and things" such merchandising revenues for products derived from the movie as well as revenue from the NHL team.

In 1998, Pierce filed a lawsuit on behalf of Brill against the Walt Disney company in Los Angeles Superior Court. At the time, Pierce noted: "This is a case with broad significance for writers. A professional sports team was spawned from a motion picture. In the Disney

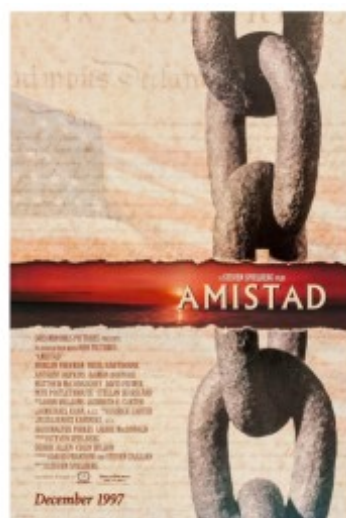
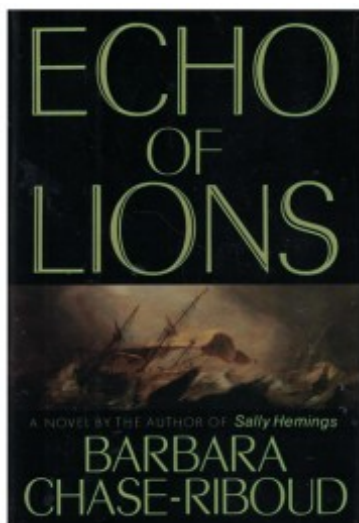
world, life imitates art. And Steven Brill created the art.” Disney removed the case to federal court where a motion to dismiss the complaint was denied in 1999. This allowed the case to proceed toward a trial. The case settled favorably to Brill.

***Barbara Chase-Riboud v. Dreamworks SKG, Inc., Stephen Spielberg, et al* (U.S. District Court for the Central District of California; judge) (1997)**

At the end of the 21st Century, Barbara Chase-Riboud was a renowned American-French visual artist, sculptor, novelist, and poet. After becoming established as an award-winning sculptor and poet, she gained widespread recognition for her 1979 novel *Sally Hemings*. An international bestseller (three million copies sold), the book offers a fictionalized story about the quadroon slave mistress of Thomas Jefferson and the children she bore him over their 38-year relationship.

A decade later, Chase-Riboud released her “non-fiction novel” *Echo of Lions*—a bestseller (500,000 copies sold) published in five languages. The book is based on an actual 1839 mutiny of 53 slaves on the Spanish slaver *Amistad* bound for Cuba. Led by Joseph Cinque, the mutineers kill most of the crew and land on Long Island. Charged with murder and facing a return to their “owner,” their battle for freedom ends up in the Supreme Court where they are represented by former President John Quincy Adams. In an historic ruling, the justices side with the slaves who return to Africa.

If this plot description sounds a great deal like the movie *Amistad*, Chase-Riboud thought the same. Turning to Pierce, she sued the director Stephen Spielberg and his production company Dreamworks SKG, Inc. for infringing on her copyrighted *Echo of Lions*. With the film’s release scheduled for early December 1997, the case was fast tracked—six weeks from filing to a ruling on the motion for preliminary injunction.



This was not a case about “no one owns history.” At the heart of her lawsuit, Chase-

Riboud maintained that her novel deviated in substantial respects from the historical facts, and she invented characters, plot points, themes, and fictionalized scenes in her novel. The complaint detailed the scores of examples where the film misappropriated these imaginary elements.

Prominent similarities included a fictitious wealthy Black abolitionist character (played by Morgan Freeman), the inclusion of a fictionalized scene involving Queen Victoria, an imagined friendship between John Quincy Adams (played by Anthony Hopkins) and Cinque, the interpreter James Covey speaking near-perfect English, and a specific inaccurate number of children for Cinque back in Africa. Significantly, one of the two screenwriters admitted that he had used *Echo of Lions* as a source for an early script.

On the morning of the hearing on Chase-Riboud's motion for preliminary injunction, the federal courtroom was packed with lawyers, media, and the public. Chase-Riboud sat by Pierce's side. Defendants had hired famed Hollywood lawyer Bert Fields for whom Pierce had great respect. Judge Audrey B. Collins presided over a spirited, lengthy oral argument marked with civility, scholarship, and wit. When Fields asserted that "history belongs to everyone," Pierce parried his thrust with the observation: "Yes, my esteemed colleague, but my client owns her fictionalized reinterpretation of history."

In an impressively erudite opinion, the court ruled that "at this early stage" of the case with no discovery, Chase-Riboud had not demonstrated a probability of success on the merits to justify blocking the film's imminent release. However, Judge Collins cautioned that this might be a short-lived victory for DreamWorks and Spielberg.

"Nevertheless, based on the analysis related to Plaintiff's probability of success, the Court determines that Plaintiff has raised serious questions going to the merits of her copyright infringement claim. Thus, Plaintiff is entitled to a preliminary injunction if the Court finds that Plaintiff establishes that the "balance of hardships `tips sharply in [her] favor.'"

In light of the fact that Defendants had invested \$70-75 million in *Amistad* and nationwide release was imminent, an injunction at this point tipped the scale in their favor.

Accordingly, the court did not issue a preliminary injunction. *See Barbara Chase-Riboud v. Dreamworks SKG, Inc., et al*, 987 F. Supp. 122 (C.D. Cal. 1997)

Pierce walked over to Bert and shook his hand, congratulating him on a hard-fought victory. Bert leaned into Pierce's ear: "Let's go have a drink and settle this matter." In February 1998, just one day before the Academy Award nominations were announced, the parties reached a settlement that ended the legal dispute. In a display of Hollywood statesmanship, Chase-Riboud and Defendants exchanged compliments.

Postscript: Bert and Pierce squared off in numerous high-octane Hollywood cases for over a quarter of a century. They developed a close personal friendship. Pierce believed that Bert was the most brilliant, sophisticated, and mannerly adversary whom he had ever faced. Bert was fond of reminding his Irish-American friend that "the only difference between an Irish pub and a courtroom in Ireland is a sober bartender." In 2014, Bert

recruited Pierce to join Greenberg Glusker Fields Clayman & Machtinger, LLP—a premier law firm where he continues to practice. Pierce quipped: “I joined Bert and his formidable colleagues because I got tired of losing to them.” The two pals practiced joyfully together until 2022, when Bert passed away at 93. Pierce lamented: “The bar has lost an unrivaled titan, and I have lost my dearest friend.”

Dryer v. Labatt Brewing Co. (Central District of California; jury) (1997)

Pierce represented NFL Hall of Famer and TV/Movie star Fred Dryer in a lawsuit against a Canadian conglomerate (owner of Labatt’s beer and Toronto Blue Jays) for breach of contract and fraud for failing to make a movie in which he was slated to star. After a three-week trial, the jury returned a verdict of \$2.5 million for Pierce’s client.

Permut v. New Line Cinema (Los Angeles County Superior Court; jury) (1996)

Pierce defended movie studio in lawsuit by producer for breaching contract to make the movie Dumb and Dumber starring Jim Carey. Pierce was hired two weeks before trial. After a four-week trial and during the fourth day of jury deliberations, the case settled favorably for Pierce’s client.

Greenpeace, Inc. (USA) v. Republic of France (U.S. District Court for the Central District of California; judge) (1996)

Pierce represented the Republic of France, defending a lawsuit by Greenpeace regarding the 1995 seizure of its vessels and arrest of activists protesting nuclear tests in Mururoa, French Polynesia. Claiming that the French Government’s acts were illegal, Greenpeace alleged kidnapping, assault and battery, intentional infliction of emotional distress, and other torts. Pierce filed a motion to dismiss, arguing that “act of state” doctrine prevented the court from judging the legality of acts done by a foreign state within its own territory or sphere of influence. (While he spoke French, Pierce argued the motion in English.) Judge Kim Wardlaw granted the motion, holding the Republic of France had immunity pursuant to the Foreign Sovereign Immunity Act and dismissing the complaint with prejudice for lack of subject matter jurisdiction. See *Greenpeace, Inc. (U.S.A) v. Republic of France*, 946 F.Supp. 773 (C.D. Cal. 1996)

Faye Dunaway v. Andrew Lloyd Weber (Los Angeles Superior Court Judge) (1995)

Pierce represented legendary Academy Award-winning actress Faye Dunaway (*Network*) in her lawsuit against famed Academy Award-winning composer Sir Andrew Lloyd Webber (*You Must Love Me*) over his firing her from the starring role in the Los Angeles

production of the musical *Sunset Boulevard*. The protagonists hurled bitter insults against each other. Weber proclaimed: “Faye Dunaway can’t sing.” Dunaway countered that her pretextual firing was “a despicable act by an otherwise despicable man.”

Dunaway filed claims for defamation, breach of contract, and fraud. She alleged that she was terminated before taking over the lead role from Glenn Close because Webber wanted to cut his financial losses by closing the show, not because her singing was inadequate. Quoting extensively from Pierce’s hard-hitting complaint, a negative article in the Sunday *Times of London*—the must-read newspaper for Weber and his circle of influential friends—had the desired impact. A favorable settlement followed.

A humorous post-settlement event is worth mentioning. A settlement term obligated the parties not to disparage each other. In her autobiography, Dunaway handled the chapter on her nasty lawsuit and how she felt about her former adversary in an ingenious way—she left the pages blank.

Winston Groom and Paramount Pictures (1995)

Forrest Gump grossed over \$678 million worldwide during its original run, making it a massive box office hit. When adjusted for inflation, the 1994 Academy Award-winning best picture ranked among the top 30 highest-grossing films of all time. The movie was based on the best-selling novel of the same name penned by Winston Groom.

Like Art Buchwald before him, Groom complained that Paramount Pictures’ manipulation of the film’s financial statement rendered his contractual 3% of net profits worthless. Despite its colossal financial success, the movie remained \$62 million in the red with no net profit in sight. Groom hired Pierce (Buchwald’s attorney) to take on Paramount. His forensic accountant’s investigation identified numerous objectionable items that artificially inflated costs and deflated net profits—the hallmarks of “Hollywood accounting.” Before filing suit, Pierce sent a demand letter. Extensive negotiations led to a financially beneficial outcome. Groom heralded that he received a “tidy sum” in the millions of dollars.

Dove Books v. State of California (U.S. District Court for the Central District of California; judge) (1995)

The Trial of the Century spawned *The Private Diary of an O.J. Juror: Behind the Scenes of the Trial of the Century* (1995), a memoir by Michael Knox, a juror dismissed from the O.J. Simpson double-murder trial. While the trial was still proceeding, Knox offered an insider’s perspective on its intense, often petty atmosphere, claiming he was leaning toward a guilty verdict before his removal. Before the trial started, California had passed a criminal statute prohibiting witnesses or jurors from profiting from their stories, which could not be published until 90 days after a criminal trial had concluded.

Dove Books hired Pierce to challenge the law and allow the book to be released before the trial ended. Pierce filed a complaint in federal court alleging that the law was a violation of the publisher's and author's constitutional rights. Following a spirited oral argument, the federal judge declared the statute unconstitutional, enjoined its enforcement, and cleared the way for its release. The book was a major commercial success, reaching #5 on the *New York Times* Best Seller list shortly after its release. The author provided intimate details on the sequestration and juror dynamics, feeding intense public interest during the trial. Pierce wrote the Introduction.

***Jon Voight v. Laura Pels* (New York State Supreme Court (Manhattan); judge) (1994)**

Pierce represented Academy Award-winning actor Jon Voight (*Coming Home*) in a breach of contract and fraud lawsuit against his business partner Laura Pels in Jon Voight Productions for backing out of a multimillion-dollar movie deal. Voight claimed that Pels came to him wanting to invest in several movies in which he would star, direct, and/or produce. Voight alleged that she sabotaged the partnership because he refused to get romantically involved with her. The parties settled before trial.

***Potter v. Firestone Tire & Rubber Co.* (California Supreme Court) (1993)**

Pierce defended Firestone Tire & Rubber Co. in a landmark toxic exposure case brought by four landowners living adjacent to a landfill where the tire manufacturer negligently disposed of its toxic wastes. The landowners were subjected to prolonged exposure to certain carcinogens (benzene, vinyl chloride), and toxic chemicals had contaminated their domestic water wells. While none of the landowners currently suffered from any cancerous or precancerous condition, each faced an enhanced but unquantified risk of developing cancer in the future due to the exposure. Based on several liability theories, the trial court awarded plaintiffs over \$1.3 million in compensatory damages and \$2.6 million in punitive damages.

Pierce persuaded the California Supreme Court to adopt a stringent standard for plaintiffs to recover for emotional distress damages for "fear of cancer" only if based on a significant (reasonable) risk of cancer, not merely speculative fear. The Supreme Court enunciated a two-prong test for recovery. Emotional distress damages attributable solely due to a fear of development of cancer or other serious illness as a result of the injury are recoverable only if plaintiff proves (1) actual exposure to a toxic or comparably harmful substance as a result of defendant's negligent breach of duty to plaintiff, and (2) it is more likely than not plaintiff will develop the condition because of the exposure. The damages award was modified in light of the holding. The case has had lasting significance in toxic tort litigation and the use of medical monitoring as a remedy. See *Potter v. Firestone Tire & Rubber Co.*, 6 Cal.4th 965 (1993).

Irving Azoff and Harper Collins (1993)

Irving Azoff is a legendary record executive and talent manager for famous recording artists. Azoff hired Pierce to represent him regarding a soon-to-be released, non-fiction book detailing alleged mob corruption at MCA Records in the 1980s, highlighting the role of then-President Irving Azoff. The book explored alleged connections between record executives and reputed organized crime figures, particularly regarding "cutout" deals (selling deleted records). Harper Collins was the publisher of the book (*Stiffed: A True Story of MCA, the Music Business, and the Mafia* (1993)) by William Knoedelseder, a former *Los Angeles Times* investigative reporter. Pierce sent an extensive letter to Harper Collins (1) demanding that several corrections be made in the book to remedy serious false and misleading references to illegal conduct by his client and (2) stating that if these changes were not made, Azoff would sue the publisher and author for defamation. In what was a remarkable turn of events, Harper reprinted the book to make the requested changes.

Barillas v. Pfizer Inc. (Orange County Superior Court; jury) (1992)

A woman sued the manufacturer of the Bjork-Shiley artificial heart valve, which had numerous reported cases of failure, leading to death. Plaintiff claimed extreme emotional distress over her fear that her valve ("a ticking time bomb") would fail without warning. Pierce defended Pfizer in a two-month trial. While the jury was deliberating, this case and another 450 similar ones were settled on highly favorable terms for Pfizer. The jury reported that it had voted unanimously in favor of Pfizer.

City of Los Angeles v. State of California (Los Angeles County Superior Court, Judge) (1990)

Pierce represented the City of Los Angeles in a lawsuit against the State of California to block construction of a \$147 million, 1,450-bed, medium-security prison in East Los Angeles, one of the City's poorest areas. Relying on the California Environmental Quality Act, the complaint alleged that the State's Environmental Impact Report had failed to follow mandatory procedures for assessing adverse environmental impacts on the community, considering feasible alternatives, and proposing remedial measures to mitigate those harmful effects. The Superior Court issued an injunction halting the project. The prison was never built.

Buchwald v. Paramount Pictures (Los Angeles County Superior Court; judge) (1989-92)

Pulitzer Prize winning journalist Art Buchwald sued movie studio for breach of contract in misappropriating his treatment to make the mega-hit movie Coming to America starring Eddie Murphy. Paramount claimed that the movie was based on Eddie Murphy's original work. There were three separate trials in the landmark case, and Pierce won all three. The judge found that the movie was in fact based upon Buchwald's treatment; the studio's net profits accounting contract was unconscionable since a movie grossing over \$300 million did not generate any net profits for the profit participants and had a \$19 million deficit; and the court awarded Buchwald and his producer Alan Bernheim \$1 million in damages. Pierce and Los Angeles Times reporter Dennis McDougal co-authored a best-selling book about the case entitled Fatal Subtraction: The Inside Story of Buchwald v. Paramount (Doubleday 1992).

City of Anaheim v. County of Orange (Orange County Superior Court; judge) (1989)

Using the California Environmental Quality Act, Pierce represented City of Anaheim in a lawsuit to prevent the construction of a County jail in the city. After a trial, the court found that the Environmental Impact Statement was legally inadequate and enjoined the jail's construction.

Investigation of the Murders of José and Kitty Menendez (1989)

Pierce was hired as Special Counsel by the Board of Directors of LIVE Entertainment to investigate the murder of its Chairman José Menendez and his wife Kitty in their Beverly Hills home in 1989. Pierce organized a team of lawyers, accountants, and investigators to solve the crime. The Beverly Hills Police Department had only one investigator assigned to the case. Pierce's team furnished him with previously unknown evidence pointing to the sons as the culprits. Pierce reported his findings to the Live Entertainment Board of Directors and before the meeting ended, the Beverly Hills Police Department announced that the Menendez brothers had been arrested for the murder of their parents. After a mistrial, they were convicted of first-degree murder and sentenced to life without the possibility of parole. They remain incarcerated.

City of Newport Beach v. County of Orange (Orange County Superior Court; judge) (1982-86)

Pierce represented the City of Newport Beach in opposing the expansion of Orange County's John Wayne Airport due to noise pollution. Employing an innovative theory, Pierce filed a complaint alleging violation of the California Environmental Quality Act due to the County's defective Environmental Impact Statement that failed to evaluate the tendency of airports to be used beyond their design capacity. After a lengthy trial, the court agreed and enjoined the airport's expansion. Two more trials ensued, both of which resulted in favorable verdicts against the County. Pierce also secured a federal court

injunction and finding of contempt against the County Board of Supervisors. Eventually, the County scaled back the airport's expansion and agreed to strict controls on the number of flights and aircraft noise levels.

***U.S. Securities and Exchange Commission v. Rogers* (Central District of California; judge) (1982)**

Pierce defended alleged gold mine tax shelter promoter in an enforcement action by the U.S. Securities and Exchange Commission. Pierce put on a defense that there were in fact operating gold mines in Panama and French Guiana. After trial, Judge Mariana Pfaelzer ruled against the government.

***Flicker v. Arnold* (Los Angeles County Superior Court; judge) (1980)**

Pierce represented Danny Arnold, the co-creator, director, and producer of the hit TV series *Barney Miller*. Pierce obtained a defense verdict in a lawsuit brought by the other co-creator claiming that he had been defrauded in accountings for profits.

***Hamilton v. Ford Motor Co.* (District of Columbia District Court; jury) (1978)**

Pierce represented the widow of a husband killed in a car accident. The jury returned a verdict for plaintiff of \$1,000,000—at the time (1978) the largest wrongful death jury verdict in the District of Columbia.

***Masiello v. Warden* (District of Connecticut; judge) (1974)**

Pierce represented federal prison inmate in a habeas corpus action alleging that he had been illegally denied parole because of guilt by association with his father “Gentleman Johnny” Masiello, a convicted Mafioso. After a trial, the federal judge ruled that Pierce’s client’s constitutional rights had been violated and ordered his release.

The foregoing is a list of representative trials. Pierce has also had more than a dozen other jury and judge trials in federal and state court, representing plaintiffs and defendants, in the intellectual property, entertainment, financial, real estate, environmental, technology, banking, white collar, and consumer rights sectors. His clients have included the Republic of France, State of California, NBC, MGM Studios, ConocoPhillips, Texaco, W.R. Grace, Reebok, Adidas, and AIG. Pierce has recovered over \$7 billion for clients in verdicts and settlements. *Variety* has hailed him as “The

Billion Dollar Litigator.”

Pierce is one of the most respected and accomplished trial lawyers in the United States. His trial successes have been groundbreaking in numerous fields. Pierce has received numerous awards and honors over the 42 years of his distinguished career. A former law clerk for U.S. Supreme Court Justice Byron R. White, he has been named one of “The 100 Most Influential Lawyers in America” by the *National Law Journal*. For many years, he has been selected as one of the “Top 100 Lawyers in California” by the *Los Angeles Daily Journal*. Recently, he was named “MVP of the Year” by *Law360* and one of “California’s Top Entertainment Lawyers” by the *Los Angeles Daily Journal*. California’s Trial Lawyer of the Year in 2009, Pierce is an elected member of the elite International Academy of Trial Lawyers (only 500 members), the American Law Institute, American Board of Trial Advocates, and American Trial Lawyers Association. He has been recognized by such legal publications as Super Lawyers, Best Lawyers in America, and Chambers and Partners. *Forbes* called him “the new Perry Mason in Hollywood.”

Representative Experience

Business

- Served as lead counsel to Shelly Sterling on the \$2 billion sale of the Los Angeles Clippers to Steve Ballmer
- Served as lead trial counsel in a business tort case involving the theft of an investment opportunity in a credit card processing company, obtaining a \$350 million jury award that resulted in Mr. O'Donnell being named California Trial Lawyer of the Year in 2009

Energy

- From 2000 to 2008, served as lead trial counsel of a team of lawyers who obtained \$3.5 billion settlement from various energy companies in California Energy Crisis antitrust litigation

Entertainment

- Obtained summary judgment for a business management firm in a first-of-its-kind “idea theft” claim filed by a talent manager concerning the eligibility of touring musicians and bands to receive Shuttered Venue Operator Grants (“SVOG”), a COVID-19 relief program established during the pandemic
- In 1995, won the landmark case of Metro-Goldwyn-Mayer, Inc. v. American Honda Motor Co., Inc., which recognized federal copyright protection of the fictional movie character James Bond
- In 1998, successfully represented Metro-Goldwyn-Mayer, Inc. in enjoining Sony Corp. from launching its own competing James Bond movie franchise
- In 2000, following securing a preliminary injunction and an appellate victory, obtained a \$21.5 million trademark infringement settlement for his client in a dispute with Walt Disney Company

Environmental

- Served as lead trial counsel for several hundred thousand victims of Hurricane Katrina – including individuals, the State of Louisiana, City of New Orleans, St. Bernard Parish, and major corporations and universities – in a landmark lawsuit against the U.S. Army Corps of Engineers
- Successfully defended Lockheed Martin Corp. against 3,200 toxic tort claims in state and federal courts
- In a series of environmental cost recovery cases under CERCLA, won judgments or settlements for clients in excess of \$350 million, including \$230 million for Lockheed Martin against the U.S. government
- Engaged by the South Coast Air Quality Management District to prosecute a civil penalty action against BP Arco for 10 years of alleged pollution violations at its Torrance refinery, securing a record \$106 million settlement for an air pollution enforcement action
- Represented City of Los Angeles, City of Newport Beach, and City of Anaheim in blocking various developments (prisons, airport expansion, and jails) on environmental grounds

Family Law Property Litigation

- Represented wife in battle with husband over a marital estate worth more than \$1 billion
- Represented Academy Award-winning actress in divorce from her prominent actor/husband
- Represented successfully high net worth husband in dispute with wife over management and control of hedge fund
- Represented successfully Amber Heard in her high profile divorce from Johnny Depp and securing \$7 million for a 15-month marriage
- Represented Shelly Sterling in widely-publicized victory in recovering \$2.6 million in money and property from her husband's mistress
- Disqualified major law firm from representing opposing spouse on grounds of conflict of interest

Intellectual Property

- Successfully represented celebrity stylist Vidal Sassoon against Procter & Gamble
- Successfully represented Ron Isley in an appeal that preserved his \$6.5 million copyright infringement verdict against Michael Bolton
- Successfully represented creators of James Bond, Survivor, Forrest Gump, Mighty Ducks, 42, and other works in securing compensation

Labor & Employment

- Served as counsel for Academy Award winner Faye Dunaway in her lawsuit against Andrew Lloyd Weber over her wrongful termination from the Los Angeles production of "Sunset Boulevard"
- Represented senior executives in the entertainment industry in negotiating their employment and exit agreements

Products Liability

- Lead counsel for Firestone in the landmark “fear of cancer” case in 1993 (Potter v. Firestone Tire & Rubber)
 - Lead trial counsel for Pfizer Inc., successfully defending 375 anxiety/emotional distress cases involving allegedly defective heart valves
 - Lead trial counsel for Pfizer Inc. in three cases related to the drug Rezulin that led to the settlement of 4,500 claims
-

Publications

March 20, 2023

The sky is not the limit: Professional sports teams’ runaway selling prices

Sports Business Journal

August 15, 2018

Cryptocurrency investor robbed via his cellphone account sues AT&T for \$224 million over loss

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July 2, 2018

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The Wrap

July 2, 2018

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Redstone Civil War As Mogul’s Granddaughter Promises Legal Action

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Trial to determine former Viacom, CBS head Sumner Redstone’s mental capacity will be open to the public

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