



## Jay M. Spillane

**U.C. Hastings College of Law**  
J.D., 1986, Order of the Coif

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B.A., 1982, Political Science,  
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## Significant Appellate Opinions

- *California Farms Investors v. Roberts*, 9th Cir. BAP 17-1010 (2017). Affirmed judgment for fraud and non-dischargeability obtained in bankruptcy court.
- *Roberts v. Broadcast Music, Inc.*, B26392 (2d Dist. 2016). In action against BMI concerning Sly and the Family Stone performance royalties, trial court erred in not treating BMI's admission of a contract by assignment with Ken Roberts as dispositive and in failing to grant motion for new trial when jury errantly concluded Roberts had not formed contract with BMI.
- *Pacific Marine Shipping Ass'n v. Goldstene*, 517 F.3d 1108 (9th Cir. 2008) (California ocean going vessel regulations were preempted by Clean Air Act).
- *Perfect 10, Inc. v. CCBill, LLC*, 340 F. Supp. 2nd 1077 (C.D. Cal. 2004), aff'd in part, 488 F.3d 1102 (9th Cir. 2007), cert. denied, 129 S. Ct. 709 (2007) (affirming judgment for defendant ISP under the DMCA and CDA).
- *Seven Words, LLC v. Network Solutions*, 260 F.3d 1089 (9th Cir. 2001) (domain name dispute).
- *Banner Entertainment v. Superior Court*, 62 Cal. App. 4th 348 (1998) (motion to compel arbitration in film dispute).

## Significant Trials

- *Howard v. Howard*. LASC 2018. After a five week jury trial, procured an 11-1 defense verdict on \$14 million claims of elder abuse, breach of fiduciary duty and constructive fraud.
- *Kilroy v. Smith Worley*, JAMS 2018. Represented Claimant investment bankers in arbitration concerning payment of their fee arising from purchase and sale of the Respondent's shares in Young's Market. The arbitrator rendered a final award in the sum of \$3 million, every penny of the requested fee.
- *California Farms Investors v. Roberts*. USBC C.D. Cal. 2015. Represented plaintiff investment group in an action for securities fraud and to determine the debt, an investment in a produce venture, non-dischargeable in bankruptcy. Obtained Judgment in the sum of \$850,000, the entire investment, and decision that the damages were procured through fraud and therefore not dischargeable.
- *Konski v. Danish Film Directors*. USDC C.D. Cal. 2014. Represented plaintiff in dispute concerning copyright and royalties in connection with Academy Award winning film "Babette's Feast." Copyright issues

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included potential collision between U.S. and Danish law. The action settled during the trial.

- Leroy v. Restful Group, AAA 2013. Represented the respondents in a five day arbitration involving claims of fraud, securities violations, mismanagement and breaches of fiduciary duty against managers of investment holding company. Obtained a final award in favor of respondents on each and every factual and legal issue.
- In re Restful Groups, USBC S.D. Cal. 2013. Represented debtors opposing motions to dismiss or convert consolidated bankruptcy actions, or appoint trustee, based upon allegations of gross mismanagement and breaches of fiduciary duty. Bankruptcy court held extended hearing to take live testimony. The motions were denied.
- Tsai v. Tsai. LA Superior Court. 2011. Represented the defendant and cross-complainant in a three week bench trial in Los Angeles Superior Court concerning a multi-million dollar family wealth dispute. After favorable judgment matter settled pending appeal.
- Astrablu v. Eastman. International Film & Television Alliance. 2011. Represented the claimant in an arbitration against Kevin Eastman (“Teenage Mutant Ninja Turtles”) concerning the rights to produce a motion picture based upon a graphic novel. Action settled after having been submitted for decision.
- UNICOM Systems, Inc. v. Farmers Group, Inc. USDC C.D. Cal. 2008. Represented the plaintiff in a three week jury trial involving infringing use of mainframe software. Won a verdict on copyright, circumvention and fraud claims.
- Pitts v. Hatfield. USDC C.D. Cal. 2007. Represented the plaintiff in a one week pro bono civil rights jury trial. Obtained a verdict that the defendant officers violated the plaintiff’s Fourth Amendment rights against unreasonable search and seizure.
- Mythic Entertainment v. Antigua Pictures. USDC C.D. Cal. 2007. Represented the plaintiff in a jury trial for breach of contract and copyright infringement. The action settled just prior to the hostile examination of the principals of the defendants.
- PCG, M3 v. Paulina Rubio. LA Superior Court. 2004. Represented the plaintiff advertising agency in a two week jury trial against singer Paulina Rubio for breaching an agreement to appear at a trade show. Obtained a verdict for the plaintiffs.
- Jaffe v. Beswick. USDC C.D. Cal. Bk. 1994. Represented the plaintiff in a one week bench trial in Bankruptcy Court concerning the dischargeability of a debt. Obtained a judgment of non-dischargeability.
- Lew Wasserman v. Sundance Development. LA Superior Court. 1994. Represented Robert Redford’s company, Sundance Development, in a one week bench trial in which former MCA mogul Lew Wasserman

sought to enforce an alleged settlement of a claim to rescind a land purchase contract. Obtained a decision completely in favor of Sundance.

- Rodney Dangerfield v. Harold Ramis. Private Judge. 1992. Represented Harold Ramis in dispute over credit and compensation in relation to “Rover Dangerfield.” The action settled during trial.
- LAUSD v. Nesler. LA Superior Court. 1988. Represented the Los Angeles Unified School District in a two week eminent domain bench and jury trial. In the bench trial portion, the court ruled that the LAUSD had correctly followed CEQA procedures, and that the taking was proper. In the jury trial portion, the jury returned a verdict valuing the subject apartment building near the value estimated by the LAUSD.

## Significant Settlements

- ALS Scan v. Cloudflare, USDC C.D Cal. 2018. Represented adult entertainment company in action for secondary copyright infringement against Cloudflare, a content delivery network. Entered into confidential settlement the day before jury selection.
- Weber v. Combatant Gentlemen, USDC C.D. Cal. 2016. Represented the plaintiff, owner of the registered mark “Combatant” in the field of clothing, in trademark action against clothier “Combatant Gentlemen.” The parties entered into a confidential settlement shortly after the defendant was served with the Complaint and a motion for preliminary injunction.
- Rubin v. Loeb, LASC 2015. Represented the plaintiffs in a legal and accounting malpractice action against Loeb & Loeb and Green Hasson Janks in connection with a seven-figure tax error in connection with the purchase and sale of shares in a closely held company. Entered into confidential settlement at pretrial mediation.
- Semel v. McAdams. LASC 2014. Represented financier and producer in disputes concerning ownership of company and film development rights belonging to the company. Shortly before trial, obtained favorable settlement securing company ownership and film rights for the client.
- DeLaRosa v. Maniquis. LASC 2013. Represented plaintiff in “idea submission” action against producers of major theatrical motion picture. Entered into confidential settlement prior to trial.
- Paul v. EYP; EYP v. Paul. USDC C.D. Cal., USDC S.D.N.Y., 2010. Represented hedge fund in bi-coastal litigation over a defaulted \$10 million secured credit facility afforded to film producer Steven Paul’s companies. Paul filed suit in California alleging that the fund had foreclosed on film assets that were not collateral for the loan. The fund filed suit in New York to collect on the loan, and also alleged fraudulent conveyance of loan proceeds. All applications by Paul for injunctive relief

were denied and the California action was dismissed. After the dismissal the entire dispute was resolved confidentially.

- *CWIE v. Bandwidth Consulting, Inc.* USDC C.D. Cal. 2009. Represented plaintiff CWIE, a web host and bandwidth provider, in dispute concerning CWIE's "angel" shares in the defendant, obtained pursuant to a stock subscription agreement. CWIE's shares were repurchased at a substantial premium prior to trial.
- *Patricia Raynes Davis v. Estate of Marvin Davis.* USDC C.D. Cal. and JAMS. 2007. Represented Ken Kilroy, former President of the Marvin Davis Companies, in a suit brought by daughter of billionaire Marvin Davis against the Davis family and its top advisors. After convincing the arbitrator that Kilroy could not be held liable consistent with his employment contract absent willful misconduct, the case settled and Kilroy was dismissed with prejudice.
- *Vista del Montano v. Sinatra.* LA Superior Court. 2006. Represented defendant and cross-complainant commercial developers in a suit to collect millions in unpaid fees on notes and guarantees. The developers cross-claimed under lender liability theories. The case settled prior to trial for a small fraction of the amount sought.
- *Lindsara v. Kelly Slater.* LA Superior Court. 2005. Represented surf champion Kelly Slater against a claim for production fees in connection with filming of a Slater-branded surf tournament. The case settled for a small fraction of the claim.
- *Perfect 10, Inc. v. Net Management Services.* USDC C.D. Cal. 2004. Represented the defendants in action by Perfect 10 claiming that the defendants were secondarily liable for receiving Internet traffic from websites containing infringing images of Perfect 10 works and unlicensed images of celebrities. After the court denied Perfect 10's motion for a preliminary injunction in its entirety, and with motions for summary judgment pending, the matter settled and was dismissed.
- *Henry Nicholas and Henry Samueli.* 2001. Represented Broadcom co-founders Henry Nicholas and Henry Samueli in a potential lawsuit over a sports joint venture. The dispute was resolved without an action being filed.
- *America Online v. Netvision Audiotext.* USDC E.D. Va. 2000. Represented defendants in a spam case filed by AOL, in which AOL claimed that the defendants had conspired to receive the benefits of traffic from unsolicited bulk emails. The matter settled with motions pending for summary judgment, including one to declare the Virginia spam statute unconstitutional.
- *Watson v. Grupo Modelo.* Orange County Superior Court. 1999. Obtained significant settlement prior to trial for former major league baseball pitcher whose hand was injured by a defective Corona bottle.
- *Mahaco Investors v. Lyon.* 1998. Represented investors in connection with bankruptcy and state court litigation flowing from San Juan Puerto Rico

hotel fire and ensuing disputes between partners of hotel-owning entities. Actions settled prior to the deposition of General William Lyon.

- Kent Steffes v. Karch Kiraly et al. Los Angeles Superior Court. 1996. Represented AVP champion and gold medalist Kent Steffes in personal and derivative action against AVP and its board. The matter settled during the bankruptcy of the AVP.