

Patrick J. Somers

Partner

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Patrick J. Somers has been recognized as one of the nation's and the state's rising stars in the legal profession because of his significant victories for high-profile entertainment, media, corporate, and individual clients. He is a leading advocate for the firm's media and entertainment litigation practice, representing one of the world's largest talent agencies in a high-profile dispute with the Writers Guild of America.

Among his many achievements for entertainment and media clients, he has obtained a verdict in favor of a client at trial, numerous dismissals of complaints, summary judgment orders, and favorable settlements. He also has successfully defended judgments and verdicts on appeal.

In his successful defense of corporate and individual clients in complex civil litigation, Mr. Somers' practice has included pre-trial investigations and discovery, pleadings, case development, opposing class certification, briefs, trial preparation, trial, and appeals. He regularly provides clients with pre-litigation counseling and advice to help resolve any potential dispute.

In addition, Mr. Somers has substantial experience defending various corporate and individual clients in connection with investigations conducted by the Department of Justice, Securities and Exchange Commission, and State Attorneys General.

Mr. Somers is dedicated to providing *pro bono* legal assistance and serves on the Board of Directors and on the Development Committee for the Western Center on Law and Poverty, which fights for justice and system-wide change to secure housing, health care, racial justice, and a strong safety net for low-income Californians.

Education

Columbia University School of Law, J.D., 2007

- James Kent Scholar
- Harlan Fiske Stone Scholar
- Harlan Fiske Stone Moot Court Finalist
- The Legal Aid Society *Pro Bono* Award
- *Columbia Human Rights Law Review*, Managing Editor

Emory University, B.A., History and Philosophy, 2003

- *Cum Laude*
- Dean's List
- The Barkley Forum—National Debate Team

Clerkships

U.S. Court of Appeals for the Second Circuit, New York

- Law Clerk, Hon. Wilfred Feinberg

U.S. District Court, Southern District of New York

- Law Clerk, Hon. Colleen McMahon

Representative Matters

Entertainment Litigation

- Representing CAA in a major lawsuit filed by Writers Guild of America (WGA) and seven individual writers, alleging breaches of fiduciary duty, constructive fraud, and violations of the Unfair Competition Law related to the use of agency packaging fees and the corresponding lawsuit filed by CAA against the WGA for antitrust violations.
- Secured settlements and a verdict for clients Regency Entertainment Inc. and Monarchy Enterprises S.A.R.L. in an \$18 million breach of contract lawsuit they filed against a group of film financiers who failed to fulfill their promise to repay certain expenses for Warren Beatty's *Rules Don't Apply* box-office flop.
- Secured dismissal for all defendants in a complaint alleging injuries on the set of a television series.
- Successfully secured a favorable settlement on behalf of a production company in a confidential arbitration brought against a studio for failure to make payments owed pursuant to a contract related to a highly successful television show.
- Representing a talent agency in a \$55 million lawsuit brought by producers and film financiers of motion picture projects alleging misrepresentations, fraud, and breaches of fiduciary duty.
- Secured settlement for a production company in a lawsuit brought against a sales agent relating to the critically acclaimed television series *Das Boot*.
- Successfully defended a major motion picture studio in trial and appeal in connection with alleged securities fraud concerning a film's financing.
- Secured dismissal for a TV rating company in a lawsuit brought by an Indian broadcasting company that alleged there was corruption in the provision of TV ratings in India.

Banks and Financial Institutions

- Representing former executive of a major asset management company in a federal securities and common law fraud case concerning a merger and restructuring transaction.
- Represented administrators and the custodian in a securities class action brought by investors in the

largest feeder fund into Bernard L. Madoff Investment Securities.

- Represented a global financial institution in a common law fraud and negligent misrepresentation case regarding investments made by Norwegian municipalities.
- Represented a global financial institution in a common law fraud case concerning a rogue trader's foreign exchange activities.
- Represented a global financial institution in a class action lawsuit arising out of a \$50 billion merger that occurred during the financial crisis.

Government Regulations and Regulatory Matters

- Successfully secured a no action letter on behalf of an individual related to an insider trading investigation by the SEC.
- Represented an executive in investigation and numerous litigations concerning the Deepwater Horizon explosion.
- Represented an executive in connection with an international investigation concerning foreign bribery allegations.
- Represented a company in connection with an investigation concerning revenue recognition conducted by the SEC.
- Represented a major pharmaceutical company in a Department of Justice (DOJ) investigation into alleged off-label marketing.
- Represented a global financial institution in connection with allegations of insider trading by one of its employees.

Pro Bono

- Representing a transgender woman inmate in a lawsuit brought against the state of Arizona, state officials, and an individual corrections officer arising out of the inmate's housing in an all-male facility in which she alleges she was sexually assaulted by a corrections officer.

Prior to Kendall Brill & Kelly

- Paul, Weiss, Rifkind, Wharton & Garrison, LLP

Recognitions and Affiliations

- *Benchmark Litigation*, 40 & Under Hot List, 2020
- *Law360*, Rising Star, 2019
- *Daily Journal*, Top 40 Attorneys under 40, 2019
- Western Center on Law and Poverty, Board member

Bar and Court Admissions

- **New York, 2008**
- **California, 2017**
- **U.S. Court of Appeals**
 - Second Circuit
 - Fifth Circuit
 - Ninth Circuit

- **U.S. District Court**

- Southern District of New York
 - Eastern District of New York
 - Central District of California

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