



## David Marroso

Partner

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David Marroso heads the litigation department of O'Melveny's Century City office. A first-chair trial lawyer, David has extensive experience handling complex and high-stakes litigation. Over nearly two decades, David has partnered with his clients to achieve successful outcomes in antitrust, contract, copyright and trademark, corporate investigations, defamation, environmental, ERISA, insurance, interference, labor and employment, profit participation and royalty, international tax, and white collar criminal defense matters. David is proud of his roster of institutional and individual clients, which spans entertainment and sports, technology, agriculture, real estate, private equity, and hospitality. *Benchmark Litigation* called David a "litigation star" and *Chambers USA* recognized him as a go-to lawyer for general commercial litigation.

## Experience

### Entertainment and Media

- **Global Music Rights**, the first new music performance rights organization in 80 years, in precedent-setting antitrust litigation against the Radio Music Licensing Committee and copyright infringement matters
- **The Walt Disney Company** in profit participation, First Amendment and defamation disputes
- Movie theater giant **AMC Entertainment** in a \$200 million lawsuit concerning the technology behind buying movie tickets online

## Admissions

### Bar Admissions

California

### Court Admissions

US Supreme Court

US Court of Appeals, Fourth, Fifth, Eighth, Ninth, and Eleventh Circuits

US District Court, Northern, Eastern, Central, and Southern Districts of California

## Education

Harvard Law School, J.D., 2000:  
*magna cum laude*

University of Nevada at Reno, B.S.,  
Criminal Justice, 1996: *magna cum laude*

- The **Hollywood Foreign Press Association** in trial and appeal concerning the production and distribution rights to the Golden Globes
- **Miramax Films** in a royalty and accounting dispute involving a portfolio of popular motion pictures
- **Motown Records** and founder Berry Gordy in successful malicious prosecution and royalty dispute lawsuit against former Motown songwriters and producers
- **Rimrock Capital** in connection with accounting and royalty disputes
- **Sony Pictures** in a credit and rights dispute concerning the movie "Spider-Man"
- Colorado detective and author **Steve Thomas** in a libel lawsuit brought by the family of JonBenet Ramsey
- **TOKYOPOP, Inc.**, one of the world's top producers of anime, in successful arbitration against primary distributor for breach of contract and fraud
- Italian moviemaker **Vittorio Cecchi Gori** in a high-profile "palimony" case
- **The Weinstein Company** on various disputes concerning economics and credit rights to popular films

### Sports

- Boxing promoter **Top Rank, Inc.** in broadcast, site, and co-promotional agreements and disputes ranging from breach of contract to defamation to copyright, as well as a precedent-setting class action involving the 2015 "Fight of the Century" between Manny Pacquiao and Floyd Mayweather
- Numerous boxers and mixed martial artists, including **Manny Pacquiao, Antonio "the Tijuana Tornado" Margarito, Miguel Angel Cotto,** and **Timothy "Desert Storm" Bradley** in contract and regulatory matters before State Athletic Commissions
- Major League baseball player in business dispute with music agent
- Obtained dismissal in favor of the famed **Madison Square Garden** in a highly-publicized lawsuit brought by a boxer who was severely injured while participating in about at "The Garden"
- Successfully appealed doping suspension imposed on **gold-medal Korean badminton player**
- **HBO** in disputes concerning the broadcast of championship fights

### Intellectual Property

- Fortune 500 land development company, **Lennar Corp.** in a trademark trial in federal court in Seattle
- **ABC, Inc.**, in a first-of-its-kind copyright class action involving the use of music on daytime television
- **DGE Entertainment** in various intellectual property matters
- International apparel juggernaut **Guess? Inc.** in multiple trademark matters, including as trial lawyer in a federal trademark lawsuit in the Southern District of New York brought by Gucci and in an arbitration against former licensees of the "Baby Guess" line
- Chinese manufacturing giant **Midea** in intellectual property and breach of contract dispute against a domestic distributor of products
- **Sirius XM** satellite in lawsuits about a claimed performance right for sound recordings made before 1972

## Commercial

- Global agricultural giant, **Agrium, Inc.** in a \$100+ million breach of contract and interference lawsuit involving "organic" fertilizer
- **Colony Capital** and portfolio companies in matters ranging from a tax investigation in Sardinia to ERISA claims related to sale of an investment in a gaming property
- Hotelier **Sam Nazarian** and his company sbe in various matters related to financing, debts and litigation disputes

## Environmental

- **Lennar Corp.** in high-profile regulatory, litigation, and environmental matters concerning the development of the former Naval Base at Hunters Point in Northern California
- **ACE Insurance** in separate coverage matters originating from environmental contamination at California sites
- **Agrium, Inc.** in connection with environmental monitoring and cleanup and cost recovery actions in the Western United States

## Real Estate

- Lennar Corp. in multiple matters including winning a \$1 billion jury verdict in Florida, a complete defense of two separate \$200 million lawsuits in California, and in a \$250 million land acquisition dispute in Maryland
- **Sam Nazarian** and sbe in matters related to purchase and sale of interests in real estate

## Employment

- Represent several national employers in labor and employment class actions
- Lead lawyer in internal investigations concerning allegations of executive misconduct

## Pharmaceutical

- **Amylin Pharmaceuticals** in sweeping class action filed concerning groundbreaking insulin medication Byetta
- **Pharmaceutical service** provider Omnicare in a dispute related to its acquisition of major California distributor of medications

## Criminal

- **Jeffrey Skilling**, the former CEO of Enron, in his criminal trial, at sentencing, and on appeal
- **City of Redondo Beach** in obtaining a conviction in a week-long criminal jury trial
- **The Marciano Brothers**, the founders of Guess, in prosecuting a scheme involving a Ponzi scheme of wine futures

## Professional Activities

### Clerkship

- Honorable Stephen S. Trott, US Court of Appeals, Ninth Circuit

### Internship

- US Department of Defense (1998)

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## Author

- “Music Modernization Act Gets New Year Update,” *Daily Journal* (December 24, 2020) (with Daniel Cooper)
- “Caution, Preclusion Ahead: The New TTAB Landscape,” *Law360* (September 21, 2018) (with Megan Smith)
- “Top Rank’s Victory Helps Firms Protect Exclusivity Provisions,” *SportsBusiness Journal* (August 24-30, 2009)

## Honors & Awards

- Named to *Variety’s* Legal Impact Report (2019, 2020)
- Named a Local Litigation Star for General Commercial, and Media & Entertainment by *Benchmark Litigation* (2019, 2020)
- Named a “Recognized Practitioner” by *Chambers USA* for Litigation: General Commercial in California (2018)
- Recognized by *The Legal 500 US* for his work in the Sports Industry (2017 & 2020)