
JEFFREY N. WILLIAMS

WARGO, FRENCH & SINGER LLP
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Practice Areas:

Mr. Williams practices in the following areas:

Appellate Litigation
Complex Commercial Litigation
Intellectual Property & Trade Secrets
Class & Collective Action Litigation
Defamation Litigation
Employment Litigation

Representative Matters:

- Assisted in representation of Fortune 500 content streaming service against claims brought by county governments for violation of state television franchise fee statutes, prevailing before Georgia Court of Appeals on grounds that statutes did not apply to non-cable or network television services. *Gwinnett Cnty. v. Netflix, Inc.*, 367 Ga. App. 138 (2023)
- In case of first impression regarding scope of District of Columbia anti-SLAPP statute, obtained ruling reversing dismissal of client's complaint and a first-in-jurisdiction holding that an issue does not become one of "public interest" merely because it is under consideration by a court or other public tribunal, despite contrary holdings by other state courts of last resort. *Close It! Title Svcs., Inc. v. Nadel*, 248 A.3d 132 (D.C. 2021).
- In case of first impression, represented subordinate lienholder on appeal from order distributing surplus proceeds following foreclosure of real property. Presented primary and alternative arguments as to date from which deadline to file claim to surplus proceeds should run, prevailed before appellate court on alternative argument, and successfully opposed motions for rehearing and rehearing *en banc*. Later, Florida Supreme Court issued opinion adopting primary argument, further validating timeliness of client's claim. *Straub v. Wells Fargo Bank, N.A.*, 182 So. 3d 878 (Fla. 4th DCA 2016); *Bank of New York Mellon v. Glenville*, 252 So.3d 1120 (Fla. 2018).
- In case of first impression, represented national telecommunications company in wage-and-hour class action filed by putative class of current and former employees,

alleging that employer had systematically miscalculated employees' wages. Obtained summary judgment of non-liability on all class claims prior to certification proceedings, successfully refuting putative class's novel theory concerning proper calculation of "regular rate of pay" under state and federal regulations. *Vazquez v. TWC Admin.*, 254 F.Supp.3d 1220 (C.D. Cal. 2015).

- Represented senior lienholder against junior lienholder's claims for quiet title and lien subordination based on allegations that client should have disclosed known third-party fraud in the chain of title. Obtained summary judgment and affirmance of summary judgment in client's favor on appeal, where appellate court ruled that client held junior lienholder no duty of disclosure as a matter of law. *WFG Nat'l Title Ins. Co. v. Wells Fargo*, 51 Cal. App. 5th 881 (2020).
- Represented trademark holder in *inter partes* appeal before Trademark Trial and Appeal Board, winning reversal of USPTO's refusal to register trademark on ground of likelihood of confusion with similar marks. *In re Brookwood Funding, LLC*, 2016 WL 1045682 (T.T.A.B. 2016).
- On appeal from denial of discharge in Chapter 7 bankruptcy proceeding, successfully obtained affirmance of judgment by Ninth Circuit Bankruptcy Appellate Panel after arguing that bankruptcy court's "totality of the circumstances" analysis prevailed over debtor's technical fact-by-fact approach. *In re Ellison*, 2017 WL 3976304 (9th Cir. BAP 2017), *aff'd sub nom* 758 F. App'x 615 (9th Cir. 2019).
- On rehearing from negative opinion from Texas Court of Appeals concerning trial court's personal jurisdiction over opposing party, successfully obtained dissenting opinion from panel and thereafter filed successful petition for review with Texas Supreme Court, prior to case being abated. *TMX Fin. Holdings, Inc. v. Wellshire*, 515 S.W.3d 1 (Tex. App. 2016).
- Represented major cable television company in litigation brought by contractor relating to an indemnity obligation. Obtained summary judgment at the trial court level as to all of the plaintiff's claims and prevailed on appeal before the Eleventh Circuit Court of Appeals. *Cableview v. Time Warner*, 901 F.3d 1294 (11th Cir. 2018).
- Represented international insurance conglomerate in coverage litigation against competing insurer in case seeking a declaration that primary policy limit was not exhausted or eroded by payment of sums in settlement of disputed claim. Prevailed on summary judgment and obtained judicial declaration of full exhaustion in favor of clients, then defeated motion for reconsideration. *Scottsdale Insurance Co. v. Dickstein Shapiro LLP*, 389 F.Supp.3d 794 (C.D. Cal. 2019).
- Defended professional charitable fundraising company in nationwide class action brought by putative class of donors claiming violations of state consumer-protection statutes, including a claim that client's entire business model was illegal and had to be shut down. Obtained transfer of litigation to appropriate venue and filed comprehensive motion to dismiss that disposed of majority of plaintiffs' claims, including the foregoing. Thereafter, negotiated settlement of remaining on an individual basis and obtained full dismissal.

- Represented national branding and advertising agency in class-action wage-and-hour dispute brought by talent that worked on a photo and video shoot for agency's client and asserted claims under joint employer theory. Defended matter aggressively, arguing that putative class members were properly classified as independent contractors and that joint employer theory was not viable. Successfully settled matter at mediation for fraction of damages sought in complaint.
- Defended Fortune 500 manufacturing company in \$50 million breach-of-contract litigation brought by international chemical conglomerate under supply agreement. Filed motions for summary judgment, to strike plaintiff's damages expert, and for sanctions based on plaintiff's admissions at deposition that it had improperly brought a second claim later deemed meritless and voluntarily dismissed. While such motions were pending, mediated and settled case on highly favorable terms for client, including a complete restructuring of the parties' business relationship.
- Represented international manufacturing company in dispute with prior law firm, asserting claims for legal malpractice relating to law firm's negligent handling of client's patent portfolio. Negotiated seven-figure pre-litigation settlement on behalf of client.
- Conducted internal investigation of regulatory, employment, and tax compliance issues for international entity following corporate reorganization and stock sale, interviewing key personnel and reviewing core documents to uncover close to \$100 million in contingent liabilities that could later be pursued against seller. Presented findings to board of directors.
- Conducted internal investigation into allegations of sex discrimination and harassment by management, for client nation-wide medical practice(s) and associated technology services company. Interviewed dozens of witnesses, reviewed internal documents, and prepared comprehensive report on veracity of allegations, potential areas of legal liability for client, and suggested steps to protect against future employee claims.
- Represented publicly-traded corporation, in multiple venues, in defamation litigation against individuals and entities suspected of disseminating false and misleading information about the company to negatively impact its stock price. Successfully defeated motion to dismiss filed by publisher accused of working with those individuals and entities to spread false information, leading publisher to cease further action against the company and to settle company's claims. Also successfully utilized court procedures and international investigative efforts to identify bad actors in several different foreign countries and serve them with legal process under the Hague Convention, bringing those actors within the jurisdiction of U.S. federal courts.
- Represented insurance company on appeal from summary judgment, where federal district court had determined that insurer could not be bound to insure contractor under additional-insured clause, even where insured subcontractor had agreed to indemnify contractor for contractor's own negligence. Presented comprehensive analysis of Oregon anti-indemnity statutory scheme that voided such agreements as a matter of public policy, obtaining full affirmance.

- Represented insurance company on appeal from summary judgment, where federal district court had issued a judgment compelling a competing insurer to share in defense costs for an incident involving a severe fan beating occurring at the San Francisco 49ers' Levi's Stadium. Briefed novel issue of a carrier's obligation to share defense costs under an additional-insured endorsement, even if obligation to share in indemnity was disclaimed by "primary and non-contributory" policy language. Competing insurer voluntarily dismissed appeal after briefing was completed.
- Represented national financial services organization on appeal from denial of motion for attorneys' fees following voluntary dismissal of complaint. Prevailed after successfully arguing that law of the jurisdiction did not permit award of "prevailing party" attorneys' fees when dismissal was filed for strategic reasons unrelated to the merits of the lawsuit. Successfully opposed motions for rehearing, rehearing *en banc*, and certification of conflict to Florida Supreme Court.
- Represented national financial services organization on appeal from judgment of dismissal following successful demurrer to complaint, where plaintiffs had alleged that client had improperly securitized home loan. Despite conflict of authority among California appellate courts on issue, prevailed after successfully arguing that cases finding against plaintiff were properly decided. Successfully opposed petition for review to California Supreme Court.
- Represented national financial services organization on appeal from judgment of dismissal following successful demurrer to complaint, where plaintiffs had alleged that client had breached oral contract to negotiate a loan modification in good faith. Prevailed after successfully arguing that purported oral contract was unenforceable "agreement to agree," rather than enforceable promise to negotiate over future terms of contract.
- Represented loan servicing company in class-action lawsuit alleging widespread violations of state law in resolving borrower default issues. Filed early motions to dismiss and to strike class allegations from complaint, arguing that named plaintiff failed to state a claim and that class could not be certified in any event given individualized issues of "materiality" relating to borrowers' particular efforts to achieve resolution. While motions were pending, negotiated favorable pre-discovery settlement for client.
- Obtained full defense summary judgment and denial of class certification motion for client cable provider in wage-and-hour action filed by putative class of current and former employees, alleging that client had failed to provide employees with accurate wage statements, and failed to timely pay wages.
- Provided consulting on matters of state and federal employment law for nation-wide medical practice(s) and associated technology services company, including drafting and revising employment agreements, severance agreements, and human resources policies.
- Represented client national fast food chain in lease dispute with landlord, defending against landlord's allegations of lease violations and demand for increased rent. In

response to landlord's demand, filed preemptive federal court lawsuit for declaratory relief, leading to near-immediate settlement on favorable terms for client.

- Represented employer in lawsuit filed by former employee alleging wrongful termination, age/disability/sex discrimination, and improper overtime classification, litigated matter through discovery phase and obtained favorable settlement at mediation prior to filing of summary judgment papers.
- Represented international humanitarian non-profit in cease and desist efforts against infringer in connection with infringer's efforts to set up a charitable non-profit using client's brand and goodwill. After infringer refused to comply with initial cease and desist letter, drafted federal complaint for trademark infringement, dilution and tarnishment while conducting research into infringer's asserted non-profit to uncover possible fraud. Leveraged these findings and litigation proceedings against infringer, quickly persuading infringer to desist and re-brand.

Education:

University of California, Los Angeles School of Law, Los Angeles, California J.D., 2010

Honors:

Dean's Merit Scholarship Recipient

Outstanding Brief Writer & Executive Officer, UCLA Moot Court Honors Program

Senior Articles Editor, *UCLA Journal of Law & Technology*

University of Southern California, Los Angeles, California B.S., 2007

Honors & Activities:

Dean's Scholarship Recipient

Member, Order of Omega Leadership Society

Member, Alpha Lambda Delta & Gamma Sigma Alpha Scholarship Societies

Professional Activities:

- Judicial Law Clerk for the Honorable Suzanne H. Segal, United States District Court for the Central District of California
- Judicial Extern for the Honorable Fred Woods, the Honorable Nora M. Manella and the Honorable Miriam A. Vogel, California Court of Appeal, Second District
- Certified as an Appellate Law Specialist by the State Bar of California Board of Legal Specialization
- Fellow, American Board of Trial Advocates
- Selected to "Rising Stars" list published by *Southern California Super Lawyers* and *Los Angeles Magazine* in the field of Appellate Law, 2015-2023

Bar and Court Admissions:

- State Bar of California
- United States District and Bankruptcy Courts for the Northern, Southern, Eastern and Central Districts of California
- United States Court of Appeals for the Ninth and Eleventh Circuits