



## Jeffrey R. Witham

Partner

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Jeffrey represents clients in complex business litigation involving antitrust, contract, data privacy, employment, professional liability, securities and trade secrets issues. He has substantial trial experience in federal and state courts and has conducted numerous private arbitrations.

His clients rely on his seasoned legal advice and sound practical judgment. While he knows the law, he also has a keen sense for the business realities of litigation.

Jeffrey has represented clients in regulatory proceedings before the FTC, the DOJ and the SEC. He has advised corporate boards and committees in internal investigations involving Sarbanes-Oxley Act and Foreign Corrupt Practices Act issues.

After decades of practicing law, his passion for client advocacy is just as strong as the day he began his career.

Jeffrey was born in Cincinnati, where Dinsmore is headquartered, and grew up in Ohio. He moved to California for college and law school and has practiced in Los Angeles throughout his career.

He is rated AV Preeminent by *Martindale-Hubbell*.

### Services

- Litigation
- Antitrust & Trade Regulation
- Securities Enforcement & Litigation
- Employment
- Artificial Intelligence, Cybersecurity & Data Privacy

### Education

- University of California, Berkeley, School of Law (J.D., 1984)
  - California Law Review, member

- California State University, Los Angeles (B.A., *summa cum laude*, 1981)
  - Phi Kappa Phi

## **Bar Admissions**

- California

## **Court Admissions**

- U.S. Court of Appeals for the Second Circuit
- U.S. Court of Appeals for the Third Circuit
- U.S. Court of Appeals for the Seventh Circuit
- U.S. Court of Appeals for the Ninth Circuit
- U.S. District Court for the Central District of California
- U.S. District Court for the Eastern District of California
- U.S. District Court for the Northern District of California
- U.S. District Court for the Southern District of California
- U.S. District Court for the Southern District of New York
- U.S. District Court for the Western District of Pennsylvania

## **Affiliations/Memberships**

- California Lawyers Association
- American Bar Association

## **Distinctions**

- Peer Review Rated AV Preeminent by *Martindale-Hubbell*

## **Experience**

### **Trial of Oil and Gas Joint Venture Dispute**

Defended energy client in case seeking \$6 billion in damages for alleged breach of contract, breach of fiduciary duty and negligence. Obtained defense judgment after a three-month bench trial.

### **Trial of Oil and Gas Lease Dispute**

Defended energy client in case seeking \$200 million in damages for alleged interference with interest in a joint venture. Obtained defense judgment after a four-week bench trial.

### **Trial of Breach of Contract Dispute**

Defended advertising agency in breach of contract case. Obtained defense verdict after a two-week jury trial.

### **Defense of Investment Bank in Entertainment Industry M&A Dispute**

Defended investment bank in cases filed by an acquiring company and a lender seeking \$1.5 billion in damages for alleged professional negligence in connection with the preparation of a solvency opinion related to a film studio acquisition. Obtained summary judgment in lender's case and parties then agreed to settlement on confidential terms.

**Defense of Video Game Developer in Data Breach Class Action**

Defended video game developer in class action alleging data breach. After a successful motion to transfer, the case settled on confidential terms.

**Defense of Data Analytics Company in Class Action**

Defended data analytics provider in coordinated class actions alleging violations of the Video Privacy Protection Act. Case against client stayed pending resolution of related action.

**Defense of Departing Employees in Trade Secrets Dispute**

Defended group of investment bankers in trade secrets case filed by former employer. Defeated preliminary injunction motion and the case then settled on confidential terms.

**Pursuit of Trade Secrets Claims Against Former Employees and Competitor**

Pursued trade secrets case on behalf of engineering firm against departing employees and competitor. Obtained preliminary injunction preventing use of trade secrets by the competitor and case then settled on confidential terms.

**Defense of Securities Fraud, Ponzi Scheme Cases**

Defended CEO of investment advisory firm in cases alleging securities law violations and fraud filed by the SEC, the CFTC and institutional investors. We reached a confidential settlement with the federal agencies and a Receiver appointed by them and the institutional investors then dismissed their cases against the client.

**Merger Clearance**

Represented energy client before the FTC in connection with the sale of a subsidiary. Responded to Second Request and negotiated asset divestiture to obtain clearance.

**Thwarted Union Attempt to Enjoin Sale of Refinery**

Defended energy client in case filed by union to enjoin sale of refinery under federal labor law. Obtained summary judgment, affirmed on appeal.

**Defense of Pharmaceutical Manufacturer in Antitrust Class Action**

Defended pharmaceutical manufacturer in class action alleging antitrust violations under California law based on alleged sham patent litigation and reverse settlement payments. Motion to dismiss with prejudice granted.

**Defense of Energy Client in Coordinated Antitrust Class Actions**

Defended energy client in coordinated class actions alleging wage-fixing arising from participation in salary surveys. Defeated class certification.

**Defense of Hospital in Antitrust Class Action**

Defended hospital in class action alleging state antitrust law violations arising from participation in salary survey. Obtained summary judgment and case then settled while on appeal.

**Defense of Investment Advisor in Securities Fraud, Negligence Cases**

Defended investment advisor in related cases alleging securities law violations and professional negligence. Narrowed issues through motion to dismiss in lead case and all cases then settled on confidential terms.

**Arbitration of Environmental Liability Dispute**

Represented client in series of private arbitrations involving environmental liabilities arising from property exchanges. Conducted arbitration to determine scope of contractual liability, prevailed in 21 of 22 arbitrations allocating responsibility for specific properties, and the parties then reached a confidential settlement.

**Coordinated Corporate Control Disputes**

Represented officers, directors and shareholders of companies based in Hong Kong in corporate control disputes in California state courts and provided advice regarding related litigation in Hong Kong. Defeated preliminary injunction motion, coordinated California cases and then reached global settlement on confidential terms.