

### Practice Areas

- Litigation
- Entertainment, Media and Communications
- Intellectual Property

### Education

- J.D., Loyola Law School, Los Angeles, 1997
- B.A., Georgetown University, Washington, D.C., 1994

### Bar Admissions

- California (1997)
- U.S. Supreme Court (2003)
- U.S. Circuit Court of Appeals for the Ninth (1999) and Eleventh (2001) Circuits
- U.S. District Court for the Central District of California (1997)
- U.S. District Court for the Northern, Southern and Eastern Districts of California (2010)

## Michael J. Niborski

Of Counsel  
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Michael J. Niborski concentrates his practice in media and entertainment litigation and is head of litigation for the Los Angeles office of Pryor Cashman LLP. With over 125 attorneys in New York and Los Angeles, Pryor Cashman has assembled a diverse portfolio of expertise in its 48 year history, including 17 different practice groups encompassing 95 different practice areas. Michael represents a variety of clients in the entertainment, broadcasting, and publishing industries in a wide array of defamation, privacy, right of publicity, trademark and copyright litigation. He also regularly counsels clients in these areas with regard to the content of entertainment programming and news publications.

While a clerk to the California Court of Appeals, Michael co-authored the court's opinion in *Khawar v. Globe International, Inc.*, a landmark California case in the area of defamation law. The case was featured on several news programs, including *60 Minutes*, and the decision was later affirmed by the California Supreme Court. As a result of its profound impact on media law, Michael developed an early expertise in the area of California's Anti-SLAPP (Strategic Lawsuits Against Public Participation) statute, litigating all areas of the law on behalf of both plaintiffs and defendants, including helping to define the law's application in federal court actions in the case of *Mimi Rogers v. Home Shopping Network*.

Among his many defamation cases, Michael has represented public figures including Aretha Franklin, Martha Stewart and Las Vegas casino owner Steve Wynn, as well as media and entertainment companies such as Anschutz Entertainment Group. In addition, Michael helped win a complete defense verdict in a defamation action in Japan on behalf of Soka Gakkai International, a global association of lay practitioners of Buddhism. With the rise of social media, Michael has been at the forefront of issues involving the law of defamation and new media, defending public figures in the first wave of Twitter defamation litigation.

Michael has done extensive litigation and counseling in the fields of trademark, trade secret and copyright law. He successfully obtained dismissal of an action on behalf of a production company that had been sued for idea submission theft arising out of a documentary series featuring profiles of Congressional Medal of Honor winners. He recently defended entertainment companies Fox Broadcasting, 19 Entertainment and Dick Clark Productions in a five-year long misappropriation lawsuit involving the hit show *So You Think You Can Dance*. Michael also served as co-counsel on behalf of Mattel in the first highly-publicized trade secret trial with MGA Entertainment over the origin of the *Bratz* dolls.

Michael also represents several recording artists in various intellectual property and business matters, including Justin Timberlake, Britney Spears, Mariah Carey, Jermaine Dupri, Rihanna, Pharrell Williams, Drake, T-Pain and Kanye West. He also represents EMI Music Publishing in a wide array of litigation arising out of their music publishing catalogue.

As a complement to his practice in the areas of privacy and publicity rights, Michael has developed a nationwide expertise in issues relating to surreptitious video and audio recordings, not only defending clients involved in litigation arising out of all varieties of audio and video recordings, but also preemptively counseling clients on the legal ramifications and parameters of all aspects of newsgathering and well as entertainment programming.

Michael also has a uniquely wide breadth of trial experience, having first and second-chaired numerous jury and bench trials in California courts as early as his first year in practice, with his signature victory coming in obtaining a complete defense verdict as lead trial counsel in a multi-million dollar lawsuit on behalf of Citibank. He also successfully defended the producers of the American re-make of the Japanese horror-mystery film *The Ring* in a lawsuit brought by a production company alleging rights to the film.

Michael also serves on the law school faculty at Loyola Law School in Los Angeles, teaching a variety of courses as part of the entertainment and media law advocacy curriculum. In addition, Michael was recently invited to join the Board of Directors of The Los Angeles Leadership Academy, a charter school in the Lincoln Heights district of downtown Los Angeles supported by leading figures in the entertainment, legal, finance and education industries.

### **Distinctions**

- Named a "Super Lawyer" in First Amendment, Media and Advertising Law by *Super Lawyers 2009, 2010, 2011 and 2012 Southern California Rising Stars Editions*
- Awarded the State Bar of California *Wiley W. Manuel Award* for Pro Bono Legal Services in 2007 and 2008
- Recipient of the American Jurisprudence Award for Trial Advocacy

### **Publications**

- Author, *Celebrity Tweeters: Here's How to Keep From Getting Sued*, The Wrap, March 2012

- Author, *Are Computer-Generated Movie Stars a Possibility?*, Communications Lawyer Journal, Winter 2007
- Author, *California Supreme Court Holds Out-Of-State Callers May Not Surreptitiously Tape Record Telephone Conversations With People In California*, Privacy & Data Security Law Journal, October 2006
- Author, *What Recent Additions to California's Anti-SLAPP Statute Mean to Media Companies*, Communications Lawyer Journal, Summer 2006
- Author, *Hidden Perils of Audio Recording*, California Lawyer Magazine, June 2004

### **Speaking Engagements**

- Adjunct Professor of Law, Loyola Law School, classes taught include Litigating a Media Law Case and Libel, Slander & the First Amendment
- Director, Loyola Law School Entertainment Moot Court Team, competing in Fall and Spring National Competitions in New York and Los Angeles
- Speaker, *Paparazzi Law In A Flash: Examining California's Past, Present and Future*, Loyola Law School, Los Angeles, California (February 2011)
- Speaker, *Hidden Audio Recording in the Post-Pellicano Era – Understanding the Legal Pitfalls of Surreptitious Audio Recording*, Entertainment Roundtable, Beverly Hills, California (June 2006)
- Speaker, *Mediation – A Strategic Tool for Controlling Litigation*, Association of Corporate Counsel of America, Los Angeles, California (May 2005)
- Speaker, *Legal Ramifications of Surreptitious Audio Recording*, Professional Investigators of California Annual Conference, Universal City, California (November 2004)

### **Previous Positions**

- Stroock & Stroock & Lavan LLP, Special Counsel (2006-09), Associate (1998-2006)

### **Professional Affiliations**

- Los Angeles Leadership Academy, Board of Directors, Member
- American Bar Association, Communications Law Section
- Beverly Hills Bar Association, Entertainment Law Section
- Georgetown University Entertainment and Media Alliance
- Los Angeles County Bar Association

### **News**

- Pryor Cashman Provides Monthly Column For The Wrap
- Partner James Janowitz Quoted in Law360 Article About Disney Suit
- Counsel Michael Niborski Named Super Lawyer In First Amendment/Media/Advertising
- Pryor Cashman Represents Courtney Love-Cobain in Closely-Watched Social Media Defamation Case in Los Angeles

- Counsel Michael Niborski Again Named Super Lawyer in First Amendment/Media/Advertising
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