

**Attorneys
Of Counsel**

- Michael J. Niborski

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

Pryor Cashman counsel Michael J. Niborski has been named in *Super Lawyers 2009 Southern California Rising Stars Edition* as one of the top attorneys in the areas of First Amendment, Media and Advertising. Niborski, like all of the other attorneys on this list, was selected through an extensive process based on peer nominations, blue ribbon panel review and independent research.

Niborski concentrates his practice in media and entertainment litigation. He 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, Niborski 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, Niborski 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, Niborski 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, he 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.

As a complement to his practice in the areas of privacy and publicity rights, Niborski 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.

Niborski 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. Recently, he served as co-counsel on behalf of Mattel in their highly-publicized trade secret litigation over the origin of the *Bratz* dolls.

Niborski 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. He recently obtained 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.

Niborski currently serves on the law school faculty at Loyola Marymount University in Los Angeles, teaching a variety of courses as part of the entertainment and media law advocacy curriculum. He is a 1997 graduate of Loyola Law School, where he was awarded the American Jurisprudence Award for Trial Advocacy. While in law school, Michael was a Judicial clerk for Justice Earl Johnson, Jr. and Justice *Pro Tempore* Arnold Gold, both of the California Court of Appeals, Second Appellate District.