



## Craig J. Mariam

### PARTNER

Los Angeles

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### RELATED SERVICES

- Commercial Litigation
- Cyber, Privacy & Data Security
- Consumer Financial Services
- Fashion
- Sports
- Intellectual Property Litigation
- Technology Litigation
- Entertainment
- Media
- Trial Practice

### OFFICES

- Los Angeles
- Las Vegas
- Dallas
- Boise

### OVERVIEW

Craig J. Mariam is an experienced litigation and trial attorney, practicing nationwide to address his clients' needs wherever they may arise. With a substantial and unblemished federal and state jury and bench trial record under his belt and educational achievements and awards in science and mathematics, Craig's unique expertise contributes to his ability to effectively strategize and prepare an advanced, rational, winning theory in each case, as well as to convey the sometimes difficult language of expert witnesses for the benefit of his clients and the jury.

He graduated from the University of Texas at Austin with a degree in economics and an underlying tract in

mathematics and computer engineering. He received his Juris Doctorate from Loyola Law School in Los Angeles and worked in-house in legal and business affairs at globally known companies before engaging in private practice.

His areas of expertise include:

**Commercial, Data Breach, and Technology Litigation (including Intellectual Property, Cyber Liability/Software, Defamation, and Entertainment)**

Craig is a leading nationwide data breach litigator, having represented large-scale data privacy litigation in jurisdictions spanning the continent, including precedent-setting engagements. His team's successes include complete dismissals on both legal and factual grounds, as well as having masterminded creative, outside-the-box resolutions that allow his clients to focus more immediately on growing and maintaining their business value and public goodwill in light of the public nature of such breaches. Part and parcel to these matters, Craig is significantly engaged in administrative response and defense relative to governmental investigations or claims, including, for example, legislative subpoenas, Department of Justice investigations, and proceedings initiated by state Attorneys General.

He has also tried to verdict cases involving or related to the prosecution and defense of copyrights, trademarks, domain disputes, privacy rights, and defamation actions. He regularly represents individuals and entities including, for example, individuals involved in competitive professional services (such as brokers, advisors, or agents), producers, directors, writers, journalists, and artists involving such defamation-based claims and potential First Amendment-related defenses.

Craig has further tried and/or litigated to successful verdicts and judgments a substantial number of software breach and misappropriation matters and is at the forefront in terms of the legal aspects of emerging technology given his proficiency in mathematics and computer systems and his active litigation practice during a period of evolving and changing privacy and security risks in cyberspace, including potentially insecure mobile devices, cloud computing, virtualization, and other information technologies.

**Class Action Defense Including Consumer Protection Statutes**

Craig is heavily involved in class action litigation including, for example, nationwide and state class claims arising under consumer protection statutes and false advertising or unfair competition statutes, including, as just some examples, the Confidentiality of Medical Information Act (CMIA) and related PHI/PII data privacy claims, federal misbranding or labeling claims (i.e. OFPA or FFDCA), COPPA (Children's Online Privacy Protection Act), the TCPA (Telephone Consumer Protection Act), FDCPA (Fair Debt Collection Practices Act), and ICRAA/FCRA (Investigative Consumer Reporting Agencies Act/Fair Credit Reporting Act).

## **Directors & Officers and Securities Claims**

He has successfully defended individual directors and officers – and corporate entities – in shareholder derivative and direct actions for alleged breach of fiduciary duties and related claims. Many of these claims involve alleged securities violations on both a state and federal level. Craig has been involved in and has helped secure imaginative and creative resolutions on behalf of – and to the benefit of – corporate clients through “outside the box” negotiation skills and mediation efforts.

## **REPRESENTATIVE EXPERIENCE**

Examples of Craig’s experience, including jury trials and class action victories, include the following:

- Jury verdict in favor of public entity client against individual alleged to have infringed public entity's trademark and to have cyber-squatted on similar internet domain name
- Jury verdict in favor of client toy company against competitor manufacturer and distributor for infringement of copyrights and trade dress rights
- Jury verdict in favor of defendant clients alleged to have infringed copyrighted architectural works on a \$20 million mansion located in Bel Air, California
- Numerous state bench and jury verdicts and other dispositive motion success as to claims against clients for alleged fiduciary duty breaches, commercial disputes, trade secret misappropriation, defamation, professional malpractice, and FEHA/employment discrimination
- National representation of Fortune 500 and 1000 entities including a medical products manufacturer and distributor, retail petroleum industry products manufacturer and distributor, organic and natural food distributor, commercial brokerage, multi-media radio station owner and operator, and trucking and transport company
- National defense of multiple clients concerning TCPA, FCRA, FDCPA, and related putative class actions, including defense of one of largest nationwide putative TCPA class actions on record in terms of scope and breath of claims
- Arbitration award against independent motion picture production company alleged to have copied and distributed copyrighted films
- Complete dismissal with prejudice of derivative securities action filed by rogue shareholder on behalf of publicly-traded company and against various directors and officers in connection with allegations of extensive fraud by former CEO and President wherein \$5-\$7 million of funds were allegedly misdirected
- Negotiated outside-of-box resolution of (1) Texas-based individual claims and (2) California-based putative class action claims arising out of alleged product defects relative to gasoline pump and dispenser software
- Defense of medical products-based litigation arising out of alleged surgical injuries connected to womens’ surgical equipment

- Summary judgment as to all class representatives in favor of client in certified class action alleging false representations and fraud in connection with improper burial practices at historic cemetery
- Summary judgment as to all Realtor® defendants in action alleging violations of various professional duties inclusive of alleged intrinsic fraud
- Summary judgment in favor of client defendant nationwide commercial real estate broker as to allegations of securities fraud
- Voluntary dismissal of claims asserting defamation of character against client property manager and agent
- Voluntary dismissal of all claims in favor of client on day of trial in connection with commercial breach of contract litigation
- Defense and resolution of a class claim made against a prominent U.S.-based manufacturer for alleged violations of the Made in USA labeling requirements
- Numerous successful dispositive motions and settlements as to securities, intellectual property infringement actions, defamation and privacy claims, trade secret claims, cyber-squatting, Fair Debt Collection Act, and telephone and similar consumer protection actions
- Dismissal of complaints against various prominent law firms, attorneys, accountants, brokers, and agents alleged to have committed professional malpractice, including, as a small sample of relevant matters
- Complete dismissal of all claims against real estate broker alleged to have breached fiduciary duties to buyer in connection with an oversight concerning a public utilities easement
- Complete dismissal of all claims against title and escrow company alleged to have improperly designated earmarked funds during escrow
- Complete dismissal of claims for legal malpractice, conspiracy, and fraud asserted against prominent attorney in Las Vegas arising out of allegations of improper allocation of settlement proceeds
- Complete dismissal of all claims against accountant clients arising out of claims of professional malpractice related to improper basis and net operating loss carryback provisions
- Complete dismissal of all claims for multiple clients relative to alleged improper software installation and maintenance
- Successful and efficient resolution of claims for legal malpractice asserted against attorney in connection with blown statute of limitations
- Complete resolution during pre-trial mediation on terms extremely favorable and beneficial to client in connection with damages for various emotional disorders arising out of an alleged "dual relationship" by licensed social worker

## CREDENTIALS

### Admissions

- Arizona

- California
- Texas
- Nevada
- Idaho
- Missouri
- New York
- Pennsylvania
- Colorado (Federal only)

**Education**

- J.D., Loyola Law School, Los Angeles
- B.A., Economics, Tract in Mathematics and Computer Engineering, University of Texas at Austin