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Trial attorney Richard Charnley has practiced law for thirty-five years. He is admitted in all California courts, the United States Supreme Court, the Ninth Circuit, the United States Tax Court, and the United States Court of Claims. He is peer rated AV® by Martindale-Hubbell and has been named multiple times by *Southern California Super Lawyers*® magazine in the area of Intellectual Property. Mr. Charnley was also recognized by the prestigious ranking company Chambers and Partners in its 2010 edition of Chambers USA in the area of "Media and Entertainment" and he was elected to the American Board of Trial Advocates (ABOTA) in 2011.

Starting in the early 1980's Mr. Charnley provided legal advice and litigation services to real estate developers, real estate brokers, real estate lenders, mortgage insurers, bonding companies, financial institutions and money managers. A significant portion of this work involved supervision of brokerage and investment operations, handling brokerage litigation disputes, litigating mortgage guaranty insurance claims, and monitoring governmental compliance for brokerage and mortgage companies. Known as specialist in the area of mortgage foreclosure litigation, in times of crisis, financial institutions continue to seek Mr. Charnley's litigation services.

As the financial services aspect of his practice expanded, Mr. Charnley was frequently asked to become involved in entertainment distribution and financing. He was awarded a full fellowship to attend the Peter Stark Motion Picture Producers' Program at the University of Southern California School of Cinema Television, where he received his Master of Fine Arts degree in 1986. Since that time, in addition to Mr. Charnley's work with financial institutions, his first chair trial expertise has been sought by studios, television networks, producers, insurers and public figures.

Mr. Charnley is often retained/appointed by carriers for defense of cases involving Buss issues, reservations, declinations and monitoring cases for excess exposure.

Mr. Charnley has provided legal commentary for The Today Show, MS NBC, Entertainment Tonight, Access Hollywood, KNBC (Los Angeles), KABC (Los Angeles), The New York Times, The Wall Street Journal, Variety, Hollywood Reporter, Vanity Fair. He has published in Risk Magazine, Insurance Journal, The Los Angeles Daily Journal, The Recordsre, Verdicts, and Property & Casualty. He served for five years on the Board of Directors of the National Graphic Artists Guild and has been a featured speaker at RIMS International on three occasions.

Currently a partner in the Los Angeles Office, Mr. Charnley received his B.A. from U.C. Irvine in 1970, his J.D. from Pepperdine University School of Law in 1976 and his MFA from University of Southern California in 1986. Actively involved in his community, Mr. Charnley was the charter

president of the Los Angeles Westside Sunrise Rotary Club. He is a Paul Harris Fellow and a life member of the National Eagle Scout Association.

Practice Areas

- Entertainment
- Business And Commercial Litigation
- Intellectual Property
- Advertising Injury
- Real Estate

Education

- University of California, Irvine, 1970 B.A.
- Pepperdine University School of Law, 1976 J.D.

Court Admissions

- California
- Supreme Court of the United States
- US Court of Appeals for the Ninth Circuit
- US Court of Federal Claims
- US Tax Court

Memberships & Associations

- American Board of Trial Advocates (ABOTA)

Representative Experience

Practice Area: Entertainment, Intellectual Property

Venue: Los Angeles County Superior Court

Represented producers in connection with a dispute regarding the right to make a movie based upon a critically acclaimed novel.

Practice Area: Entertainment

Key Issues: Violation of Agreement

Venue: Los Angeles County Superior Court ---IFTA Arbitration

Client Type: Foreign Film Distribution Company

Major Studio claimed that our client had violated an agreement to distribute a feature film in the People's Republic of China by releasing DVD copies 72 hours after theatrical release.

Result:

The case proceeded to binding arbitration before AMFA/IFTA. Arbitrator ruled in favor of client: due to rampant film piracy in the PRC, even though client technically "breached" the contract, the Major Studio failed to prove actual damages (film: Bulletproof Monk)

Practice Area: Entertainment

Key Issues: Insufficient safety on location, Stuntman accident

Venue: Los Angeles Superior Court

Client Type: Motion picture production company and individual producers

Dar Robinson, King of the Stuntmen, was killed filming a motorcycle sequence in Arizona. His family sued Dino DeLaurantiis and Universal, claiming that there was insufficient safety on location on the day of the accident.

Result:

After a 7 week trial, the jury found that the defendants were not negligent in causing the death and also found that the death claim was barred by the "workers' compensation exclusive remedy doctrine" (film: Million Dollar Mystery).

Practice Area: Entertainment

Key Issues: Special Effects Injury

Venue: Los Angeles Superior Court

Client Type: Motion picture production company and individual producers

Two special effect operators were severely injured after they re-entered a "hot set" to do some unscheduled "last minute" modifications to a truck explosion gag. Crossing leads to the black powder and gasoline, the two operators set off the explosion while they were standing adjacent to the bombs themselves. The operators sued Universal, claiming that they were "independent contractors" and that Universal had failed to manage the set properly.

Result:

After a three week trial, the jury ruled that Universal had properly managed the set and that the claims were barred by the "workers' compensation exclusive remedy doctrine" (film: Black Dog).

Practice Area: Entertainment

Key Issues: Relationship between copyright and idea misappropriation

Venue: USDC: District of Southern California

Client Type: Defendant: Film Company and Writers

The plaintiff wrote a screenplay about Texas Hold'Em Poker. He submitted the work to a former associate of the Miramax company. At about the same time, two writers wrote a semi-autobiographical screenplay about a law student who becomes addicted to underground high-stakes Texas Hold'Em. The plaintiff claimed that our clients, Miramax and the two writers, had stolen his work.

Result:

The District Court found "no access" and "no similarity." (film: Rounders).

Practice Area: Entertainment

Client Type: Defendant: Producer of Reality Television Show

Our client was an early producer in the "reality show" business. At tryouts for the show, one of the prospects

was badly injured. She sued our client, claiming negligent management of the premises where the tryouts were being held.

Result:

Judgment was entered for the producer. It was found that because the "contestant" was essentially "auditioning" for a "role" her claim was subject to the exclusive remedy of workers' compensation. (show: American Gladiators).

Practice Area: Entertainment

Key Issues: Idea Misappropriation

Venue: Los Angeles County Superior Court

Client Type: Plaintiff: Creators and Actors in Reality Television show

Plaintiffs created, and acted in, a hit reality series. After completing 8 seasons, plaintiffs became concerned that they were not getting their "share" of the profits and were not being properly "credited" for their creative input.

Result:

Representing plaintiffs, after filing suit but before significant discovery, we were successful in restructuring plaintiffs' deal, obtaining retroactive profits, acting payments and a portion of foreign sales. We were also successful in getting the series.

Practice Area: Entertainment

Key Issues: Profit participation issues re estate of Burt Lancaster

Venue: Los Angeles County Superior Court

Client Type: Attorney being sued by estate.

Burt Lancaster established a trust which became irrevocable upon his death. Several years later, the beneficiaries of the trust filed suit against the trustee and a well-known entertainment litigator, claiming that the trustee had "mismanaged" the Lancaster film library and that the litigator had unreasonably delayed in filing suit against a number of major film studios who were distributing the Lancaster library.

Result:

We were successful in arguing that the attorney owed a "duty" not to the beneficiaries of the trust, but rather to the "trustee" (who was the formal client of the lawyer). Based on this, we argued further that the beneficiaries did not have an attorney-client relationship with the attorney and, hence, they could not sue him for either "malpractice" or "constructive fraud." The court agreed, and the matter was dismissed.

Practice Area: Entertainment, Intellectual Property

Key Issues: Distribution Rights

Venue: Los Angeles County Superior Court

Client Type: Defendant Entertainment and Media Company

The plaintiff, producer of a feature film successful in both commercial and critical arenas, brought action against our client, a diversified entertainment and media company for improper marketing and errors in the "profit accounting" for the film. Universal Studios released the film, and Universal was also a defendant.

Result:

In binding arbitration, the judge found for the defendants on all issues. The "pre-arbitration demand" was in excess of \$1,000,000, and instead of recovering on their claim, the plaintiffs faced an \$900,000 judgment in favor of the defendants for their attorney fees and costs. their attorney fees and costs.

Practice Area: Entertainment

Key Issues: Interplay with copyright and idea misappropriation, Can format be "stolen?"

Venue: Los Angeles County Superior Court

Client Type: Producer of game show

Plaintiff was a variety show host who developed a segment showing pieces of funny video tape sent in by viewers. A year or so after running the segment, plaintiff sued a major network and a producer (our clients) for filming and airing a hit show that featured video tape submission idea.

Result:

Judgment was entered for our clients because the plaintiff's "segment" was a "format" or "idea" and not otherwise protected by intellectual property law. (show: America's Funniest Home Videos).

Practice Area: Entertainment

Key Issues: Violation of Agreement

Venue: Los Angeles County Superior Court --- IFTA Arbitration

Client Type: Executive Producer

Executive Producer, our client, was retained by Canadian production company to oversee US aspects of film during principal photography in Vancouver. During photography, our client spotted a number of irregularities in production management. Upon bringing these to the attention of the financier, our client was immediately discharged and his salary was not paid.

Result:

The case proceeded to binding arbitration before AFMA/IFTA. Arbitrator ruled in favor of client and awarded full salary plus interest and attorney fees: Production Executive cannot be terminated by production company for challenging decisions regarding budget and financial excesses.

Practice Area: Entertainment

Key Issues: Interpretation and enforcement of profit participation agreements

Venue: Los Angeles County Superior Court

Client Type: Plaintiffs: Writers, Directors, and Producers

Our clients, the plaintiffs, were writers, director, producers and actors in an Academy Award winning motion picture. The distributor of the picture broke his promise to pay profits to our clients, and we filed suit in Los Angeles Superior Court.

Result:

After 4 years of litigation and two trial phases, judgment in excess of \$12,000,000 was entered for the plaintiffs.

(film :Crash).

Publications

- Author, Getting Sued, *Smart Business*, 1/1/2012
- Author, The Elephant in the Living Room, 05/2008
- Author, 'Borat' Judge Not Likely to High-Five Fraud Suit, *The Hollywood Reporter, Esq.*, 12/04/06

Speaking Engagements

- Insurance & Casualty Litigation 2011 - 2012: The Year in Review, May 23, 2012
- Insurance & Casualty Litigation 2011 - 2012: The Year in Review, May 22, 2012

News

- Paul Haggis, Brendan Fraser Win \$12 Million From 'Crash' Producer Bob Yari, *The Hollywood Reporter's "Hollywood, Esq." Blog* 12/21/2011
- 'Crash' Filmmakers Awarded \$12M Judgment in Hollywood Accounting Case, *Accounting Today*, 12/21/2011
- Filmmakers Awarded \$12 Million in 'Crash' Suit, *Variety*, December 20, 2011
- Brendan Fraser, Others Win \$12M In 'Crash' Contract Suit, *Law360.com*, 12/20/2011
- Producer Can't Crash Brendan Fraser's Contract Suit , *Law 360*, 9/8/2011
- Judge Rules for Paul Haggis, Brendan Fraser in 'Crash' lawsuit, *Los Angeles Times*, 7/28/2011
- ROPERS MAJESKI KOHN & BENTLEY'S RICHARD CHARNLEY AND NEIL SMITH EARN DISTINCTION IN CHAMBERS USA'S 2011 EDITION, 7/28/2011
- On The Move, *The Recorder*, 5/23/2011
- RMKB'S RICHARD CHARNLEY ELECTED TO THE PRESTIGIOUS AMERICAN BOARD OF TRIAL ADVOCATES , 5/12/2011
- RMKB's Richard Charnley & Andrew Margulis Recognized in 2010 CHAMBERS USA, 7/6/2010
- Six Ropers Majeski Kohn & Bentley Partners Selected as 2010 Southern California Super Lawyers, *Law @ Politics*, 3/17/2010
- Michael Jackson's Dermatologist Gets Visit From Coroner's Office; Toxicology Report Due Next Week , *E!Online*, 07/15/09
- Jackson's Medical Records Sought, *MyFoxLA.com*, 07/14/09
- AG Seeks Restitution for Homeowners From Countrywide , *The Daily Journal*, 06/26/08