Shannon Mader

Of Counsel

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Century City



Shannon Mader is Of Counsel in the Century City office of Gibson, Dunn & Crutcher, where he practices with the firm's Litigation Department and is a member of its Law Firm Defense, Antitrust and Trade Regulation, Appellate and Constitutional Law, Transnational Litigation, and Trials Practice Groups.

Shannon is a trial attorney and litigator who has represented clients in a wide variety of practice areas in state and federal courts, at both the trial and appellate levels. He has extensive experience litigating civil RICO cases, legal malpractice cases, antitrust cases, complex business disputes, anti-SLAPP motions, attorney disqualification motions, and privilege issues.

Most recently, Shannon was part of the trial team that obtained a favorable jury verdict for Nike in its endorsement contract dispute with NFL wide receiver Odell Beckham Jr.

Representative RICO matters include:

- *P6 LA MF Holdings SPE, LLC v. Shekhter*. Represented AEW and affiliates in connection with a long-running real estate dispute, in which the plaintiffs sought almost $12 billion damages. After the trial court granted Gibson Dunn's motion for terminating sanctions based on extensive discovery misconduct, Gibson Dunn filed a civil RICO lawsuit, alleging predicate acts of attempted extortion, wire and mail fraud, and bank fraud. Gibson Dunn successfully opposed the plaintiffs' motions to dismiss and anti-SLAPP motion. Shortly after the Ninth Circuit affirmed the trial court's denial of the anti-SLAPP motion, the parties settled.
- *Worldwide Directories, S.A. De C.V. v. Yahoo! Inc.* Represented Yahoo! Inc. and Yahoo! Mexico in connection with a $2.75 billion civil RICO claim brought by two Mexican companies. Plaintiffs asserted claims for RICO, conspiracy to violate RICO, fraud and civil conspiracy based on alleged misconduct in an underlying Mexican lawsuit where Yahoo and its attorneys successfully overturned a $2.75 billion trial court judgment. Specifically, plaintiffs alleged that Yahoo and its Mexican attorneys improperly attempted to influence the trial court judge and wrongfully obtained the reversal of the trial court's unprecedented and meritless judgment. The District Court granted Gibson Dunn's motion to dismiss, holding that plaintiffs did not properly allege continuity, did not plausibly allege any RICO predicate acts, and did not plausibly allege that Yahoo conducted the affairs of a RICO enterprise. The court also rejected plaintiffs' argument that the non-final trial court judgment constituted a property interest under RICO.
- *Kan-Di-Ki, LLC v. John Leslie Sorensen et al.* Represented two senior executives of a skilled nursing home operator in a RICO action alleging predicate acts of mail and wire fraud, extortion, bribery, and obstruction of justice. The District Court granted Gibson Dunn's motion to dismiss, finding the plaintiff failed to adequately plead continuity.

Capabilities

Litigation
Antitrust and Competition
Appellate and Constitutional Law
Law Firm Defense
Real Estate Disputes
Transnational Litigation
Trials

Credentials

Education

University of California - Los Angeles - 2004 Juris Doctor
University of Southern California - 2002 Doctor of Philosophy
University of Southern California - 1997 Master of Arts
Georgetown University - 1991 Bachelor of Arts

Admissions

California Bar

Clerkships

USDC, Central District of California, Hon. Stephen V. Wilson, 2004 - 2005

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GIBSON DUNN

- *Bui v. Nguyen*. Represented a successful music entrepreneur and a closely held company in a RICO action arising out of a real estate dispute. The District Court granted Gibson Dunn's motion to dismiss, finding the plaintiff failed to adequately plead an enterprise and sufficient predicate acts.

Representative Law Firm Defense Matters:

- Represented a national law firm in an action for aiding and abetting fraud and breach of fiduciary duty in connection with legal advice that the law firm provided to a national accounting firm. The plaintiffs had purchased a tax shelter product marketed by the accounting firm, which the IRS later challenged. The trial court granted Gibson Dunn's motion for summary judgment, holding that the plaintiffs' claims were time barred.
- Represented a national law firm in an action for legal malpractice brought by the wife of a deceased former client, in her individual capacity and in her capacity as trustee of her deceased husband's estate. The plaintiff alleged negligence in connection with various split-dollar transactions. After the trial court granted Gibson Dunn's motion for summary judgment as to the estate, Gibson Dunn moved for terminating sanctions against the wife based on her failure to preserve documents. The parties settled shortly thereafter.
- Represented a national law firm in an action for legal malpractice brought by the wife of a successful entrepreneur. The plaintiff alleged the law firm failed to effectuate her late husband's intent that she receive the husband's $7 million house in Arizona in addition to a multimillion dollar home in Los Angeles and an estate valued at $100 million. Prior to bringing the legal malpractice action, the plaintiff filed an action in probate court regarding the Arizona home. Shortly after Gibson Dunn filed a motion for judgment on the pleadings based on the probate court's adverse ruling, the parties settled.
- Represented a national law firm in a civil RICO action brought by individuals who contributed to donor advised funds managed by National Heritage Foundation. In addition to alleged RICO violations, the plaintiffs alleged violations of California's Consumer Remedies Act, California's Unfair Competition Law, Pennsylvania's Unfair Trade Practices Act, and Missouri's Merchandising Act. The district court granted Gibson Dunn's motion to dismiss and the Fourth Circuit affirmed.
- Represented a national law firm in an action for legal malpractice brought by the son of a nationally renowned art collector. The trial court granted Gibson Dunn's motion for summary judgment, holding that the plaintiff lacked standing, that his claim was time-barred, and that he had not established causation. The California Court of Appeal unanimously affirmed, holding that plaintiff's claims were time-barred under California's four-year statute of limitations.
- Represented a national law firm in action for legal malpractice, breach of fiduciary duty and other claims. Plaintiffs, municipal entities embroiled in scandal, sued Gibson Dunn's client for allegedly negligent advice in connection with certain bond transactions. After discovery confirmed the claims lacked merit and were time-barred, plaintiffs voluntarily dismissed them. The trial court declared Gibson Dunn's client the prevailing party and awarded costs.
- Represented a national law firm in an arbitration involving a claim of malpractice in connection with a restructuring. Prior to the commencement of arbitration, the arbitrator granted Gibson Dunn's motion for summary judgment on the statute of limitations.
- Represented a national law firm in an action for legal malpractice and breach of fiduciary duty based on allegedly negligent advice with respect to a series of private placement memoranda. A committee of creditors purported to assert the claims on the debtor's behalf. The parties reached a settlement shortly after Gibson Dunn filed a motion for summary judgment based on in pari delicto and other defenses.
- Represented a national law firm in an action for malicious prosecution. The trial

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court granted Gibson Dunn's anti-SLAPP motion and awarded over $100,000 in attorney's fees and costs.

- Represented a national law firm and its client in an action for malicious prosecution. The trial court granted Gibson Dunn's anti-SLAPP motion and awarded over $80,000 in attorneys' fees.
- Represented a national law firm in an action for legal malpractice and breach of fiduciary duty based on an allegedly defective UCC filing. The trial court granted Gibson Dunn's motion for partial summary judgment based on the statute of limitations. The parties settled shortly before trial.
- Represented numerous law firms in successfully opposing motions to disqualify.

Representative Transnational matters include:

- *Chavez v. Dole Food Co., Inc.*; *Chaverri v. Dole Food Co.*; *Patrickson v. Dole Food Co.*; *Marquinez v. Dole Food Co.*; *Macasa v. Dole Food Co.*; *Dow Chem. Corp. v. Blanco*. Represented an international producer of fresh fruit and vegetables in connection with mass tort actions filed by thousands of foreign agricultural workers. Multiple courts have rejected plaintiffs' class action tolling arguments and held that plaintiffs' claims are time-barred.
- *Worldwide Directories, S.A. De C.V. v. Yahoo! Inc.* Represented Yahoo! Inc. and Yahoo! Mexico in connection with a $2.75 billion civil RICO claim brought by two Mexican companies. Plaintiffs alleged misconduct in an underlying Mexican lawsuit in which Yahoo and its attorneys successfully overturned a $2.75 billion trial court judgment. Specifically, plaintiffs alleged that Yahoo and its Mexican attorneys improperly attempted to influence the trial court judge. The District Court granted Gibson Dunn's motion to dismiss, holding that plaintiffs did not properly allege continuity, did not plausibly allege any RICO predicate acts, and did not plausibly allege that Yahoo conducted the affairs of a RICO enterprise. The court also rejected plaintiffs' argument that the non-final trial court judgment constituted a property interest under RICO.

Representative Antitrust and Trade Regulation matters:

- *SC Innovations, Inc. v. Uber Technologies, Inc.* Represented Uber Technologies, Inc., in a federal antitrust action alleging that Uber monopolized or attempted to monopolize the ride-hailing market through predatory pricing and other allegedly anti-competitive conduct.
- *Roxul USA, Inc. v. Armstrong World Industries, Inc.* Represented Armstrong World Industries, Inc., in a federal antitrust action alleging that Armstrong monopolized or attempted to monopolize the U.S. ceiling tile market through exclusive distribution agreements.
- *In re Animation Workers Antitrust Litig.* Represented DreamWorks Animation SKG, Inc., in a federal antitrust class action alleging that the major U.S. animation studios conspired to suppress employee compensation by agreeing not to solicit each another's employees and by sharing competitively sensitive information.
- *AMD v. Intel*. Represented Intel Corporation in a federal antitrust action filed by Advanced Micro Devices. AMD alleged that Intel monopolized the worldwide market for microprocessors through exclusive dealing agreements, below cost pricing, manipulation of technological standards, and other purportedly anti-competitive conduct.
- *In the Matter of Intel Corp*. Represented Intel Corporation in a proceeding initiated by the Federal Trade Commission. The FTC alleged that Intel engaged in unfair and anticompetitive conduct and deceptive practices in violation of Section 5 of the FTC Act.
- *New York v. Intel*. Represented Intel Corporation in a *parens patriae* action brought by the New York Attorney General. The NY AG alleged that Intel violated

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Section 2 of the Sherman Act by purportedly entering into exclusive or near-exclusive deals with the large computer manufacturers.

Representative Hospitality and Gaming Matters:

- *Brincko v. Rio Properties, Inc.* Second chaired a multi-week federal jury trial concerning 66 alleged fraudulent transfers to a Las Vegas casino. The trial focused on the casino's compliance with state and federal anti-money laundering regulations. The jury returned a verdict in favor of the casino with respect to 59 of the 66 alleged transfers. The jury unanimously found that the casino acted in good faith in accepting verified cashier's checks from a known customer and permitting him to gamble.
- *Ultra Internet Media, SA v. Caesars Interactive Entertainment, Inc.* Represented an affiliate of one of the nation's largest hotel-casinos in an action for breach of contract and other claims arising out of alleged breaches of a promotional agreement involving the World Series of Poker. The parties settled prior to the close of fact discovery.
- *Harrah's Operating Company v. PROS Revenue Management, LP*. Represented one of the nation's largest hotel-casinos in an action for breach of contract and fraud arising out of a failed software implementation project involving customer relationship management (CRM) software. Gibson Dunn successfully defeated multiple attempts to dismiss the fraud claims. The parties settled prior to the close of fact discovery.

Representative Securities Matters:

- *ScripsAmerica, Inc. v. Ironridge Global LLC.* Represented an equity investor in micro-cap public companies in connection with a federal securities fraud claim involving securities issued pursuant to an arms' length settlement agreement. The court dismissed plaintiff's market manipulation claim with prejudice, finding the plaintiff did not properly plead manipulation, reliance, or a strong inference of scienter. Following the court's ruling, Gibson Dunn sought an award of attorney's fees pursuant to the parties' settlement agreement. The court granted the motion, awarding Gibson Dunn's client $269,260 in attorney's fees.

Representative Intellectual Property Matters:

- *Grateful Dead Productions v. Sagan*. Represented multiple performers and recording companies in a case asserting trademark infringement, violation of the right of publicity and copyright infringement in connection with defendants' acquisition of Bill Graham archives and operation of Wolfgang'sVault.com.

Shannon earned his law degree in 2004 from the University of California, Los Angeles, where he graduated Order of the Coif and was a member of the Moot Court Board. While at UCLA, Shannon was the Roscoe Pound Moot Court Tournament Champion and a recipient of the White O'Connor Moot Court Team Award. Shannon is also the co-author (along with Professor Michael Asimow) of *Law and Popular Culture: A Course Book*.

Prior to joining the firm, Shannon served as a law clerk to The Honorable Stephen V. Wilson in the United States District Court for the Central District of California.

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