

Joel R. Weiner

Partner

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Practices

FOCUS: Litigation

Appeals and Critical Motions

Commercial Litigation

Employment Litigation and Counseling

Fiduciary and Private Client Litigation

Intellectual Property Litigation

Real Estate Litigation

Trademarks and Trademark Litigation

Industries

Entertainment and Media

Entertainment and Media Litigation

Education

JD, University of California, Berkeley,
School of Law

BA, University of California, Santa Barbara

Bar Admissions

California

Court Admissions

US Supreme Court

US Court of Appeals, Second Circuit

US Court of Appeals, Third Circuit

US Court of Appeals, Sixth Circuit

US Court of Appeals, Ninth Circuit

US District Court, Central District of
California

US District Court, Eastern District of
California

US District Court, Northern District of
California

US District Court, Southern District of
California

Some of the most prominent companies in the entertainment business turn to Joel Weiner to handle disputes across a broad range of subject matter. With nearly 30 years of litigation experience and vast industry knowledge, he has been trusted by companies like NBCUniversal, Sony Pictures Entertainment, Endemol Shine Group, Telemundo and Excel Sports Management with high-profile lawsuits involving series, films and other valuable entertainment properties.

Choosing his spots

The entertainment industry is a magnet for creative disputes. Joel represents motion picture studios, television networks, production companies and talent on the full spectrum of litigation issues. He frequently handles cases involving copyright, contract, accounting, and business tort claims, as well as personal claims against high-profile entertainers, directors and professional athletes. Some of his recent matters have involved popular reality series such as "The Biggest Loser," "Keeping Up With the Kardashians," and "Ghost Hunters," as well as scripted series like "Heroes," celebrity talk shows like "The Wendy Williams Show," and films like "Ted" and "Machete."

Whether he's defending a studio accused of idea theft, interpreting an entertainment industry contract or asserting a producer's First Amendment rights, Joel adjusts his strategies to the particular business needs of his client. In some instances, those business needs call for avoiding the cost, risk and public attention that comes with taking a case to trial. He has won numerous anti-SLAPP motions with fee awards, motions to dismiss and motions for summary judgment, and has mediated or arbitrated many disputes confidentially. In other matters, Joel stands ready to take cases all through trial and beyond, drawing on his substantial appellate experience.

Outside the entertainment industry, Joel represents clients in business litigation involving contract disputes, interference with contract, insurance issues, environmental claims, employment disputes and real estate

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Community Involvements

American Bar Association, ABA Forum on
Communications Governing Committee

Hawaii Bar Association

Los Angeles County Bar Association

Los Angeles Copyright Society

Public Counsel, Los Angeles, CA, Board
Member

State Bar of California

investment fraud claims, among other areas.

Representative Experience

- Defended NBCUniversal in action alleging copyright infringement and interference with contract regarding the television series *Heroes*. Prevailed on motion to dismiss and obtained award of attorney's fees in a published opinion. Affirmed by Ninth Circuit Court of Appeals. *Wild v. NBCUniversal, Inc. et al.*
- Resolve numerous employment wrongful termination and discrimination claims.
- Represented Seth MacFarlane, Media Rights Capital and Universal Studios in high-profile copyright case. Plaintiff, Bengal Mangle Productions, alleged in suit filed in US District Court for the Central District of California in July 2014 that anthropomorphic teddy bear from the movie *Ted* was "strikingly similar" to its character, Charlie, a teddy bear from plaintiff's Web series. We obtained stipulation for dismissal of the suit, which cannot be refiled.
- Represent defendants in action alleging copyright infringement, violations of Visual Artists Rights Act, fraud, and breach of contract against network, producers and talent involving use of artwork in a reality television series. Successfully opposed motion for preliminary injunction attempting to halt distribution.
- Defended 10 defendants (including production and distribution companies, producers and screen writer) against claims of copyright infringement and breach of implied contract regarding a horror film. Prevailed on motion for judgment on pleadings arguing that the plaintiff's screenplay and defendants' film were not "substantially similar" as a matter of law. District court's ruling was affirmed by US Court of Appeals for the Ninth Circuit.
- Represent defendant in action alleging breach of contract, fiduciary duty and accounting by an actor over contingent participation from a long-

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running TV series.

- Represented certain defendants in action alleging copyright infringement, breach of implied contract and breach of confidence regarding a TV series. The US Court of Appeals for the Ninth Circuit sitting *en banc* addressed the scope of federal copyright preemption of state law contract claims.
- Represented certain defendants in copyright infringement action against network and producers regarding popular reality television weight-loss competition show. Prevailed on motion for summary judgment. Affirmed by Second Circuit Court of Appeals.
- Represented defendants in an idea theft case involving a song-contest reality television show. Prevailed on motion for summary judgment. Affirmed by California Court of Appeal.
- Represented defendant in multiple court proceedings and arbitration challenging accountings and distribution practices in connection with a motion picture. Successfully opposed challenges to scope of arbitration agreement.
- Represented defendants in action alleging music copyright infringement and tort claims regarding a telenovela. Prevailed on motion to dismiss foreign production company for lack of personal jurisdiction and motion to strike claims for enhanced damages and attorney's fees under copyright statute.
- Successful mediation of confidential settlement of accidental death insurance claim, governed by federal ERISA laws and procedures.
- Defended film company against allegations of fraud and breach of contract for contingent participation brought by an actor regarding a television series. Prevailed on a motion for summary judgment, including favored nations and 12 contract interpretation and accounting claims. The decision was affirmed by the California Court of Appeal.
- Represented mortgage investment fund in appeal following Los Angeles Superior Court's denial of motion to compel arbitration. Katten successfully argued California's statutory exception authorizing trial courts to deny arbitration where lawsuit involves both arbitrable and non-

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arbitrable claims did not apply because threshold requirements were not met and the trial court lacked discretion to deny arbitration. California Court of Appeal reversed and ordered action to arbitration.

Recognitions

Recognized or listed in the following:

- *Best Lawyers in America*
 - Entertainment Law - Motion Pictures and Television, 2019–2024
 - Media Law, 2021–2024
- *BTI Client Service All-Stars*
 - 2020
- *Chambers USA*
 - Media & Entertainment: Litigation, 2014–2023
- *Daily Journal*
 - 50 Top Entertainment Lawyers, 2014
- *Law360*
 - MVP – Media & Entertainment, 2015
- *Super Lawyers*
 - Southern California, 2012–2023
- *The Legal 500 United States*
 - Recommended Attorney, 2016–2023
- *Variety*
 - Legal Impact Report, 2013–2014, 2016, 2020, 2022

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News

- Katten Attorneys Distinguished by *Best Lawyers*® (August 17, 2023)
- Katten Lauded in The Legal 500 United States 2023 (June 9, 2023)
- Katten Boosts Rankings in *Chambers USA Guide 2023* (June 1, 2023)
- Katten Attorneys Selected to 2023 Southern California Super Lawyers List (January 11, 2023)
- Katten Attorneys Recognized by *Best Lawyers*® (August 18, 2022)
- Katten Awarded Top Ranking in Structured Finance: Securitization in The Legal 500 United States 2022 (June 8, 2022)
- Katten Ranked Leading Law Firm by *Chambers USA 2022* (June 1, 2022)
- *Variety's* 2022 Legal Impact Report Recognizes Five Katten Entertainment Partners (April 21, 2022)
- Katten Attorneys Named to 2022 Southern California *Super Lawyers* List (January 27, 2022)
- Katten Attorneys Listed in *The Best Lawyers in America*® (August 19, 2021)
- Katten Receives High Marks in Derivatives, M&A and Securitization in The Legal 500 United States 2021 Guide (June 10, 2021)
- Katten Boosts Rankings in *Chambers USA 2021* (May 20, 2021)
- Katten Attorneys Selected to 2021 Southern California Super Lawyers List (January 21, 2021)
- Katten Partners Praised for Outstanding Client Service (December 10, 2020)
- Katten Attorneys Distinguished as Top Legal Talent in the 2021 *Best Lawyers in America* and *Best Lawyers: Ones to Watch* Lists (August 20, 2020)

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- Five Entertainment Attorneys Named to *Variety Magazine's* 2020 Legal Impact Report (July 15, 2020)
- Katten Named Top-Tier Firm in Structured Finance and Securitization by The Legal 500 United States 2020 Guide (June 16, 2020)
- Katten Rated Top Law Firm by *Chambers USA* 2020 (April 23, 2020)
- Katten Attorneys Named to 2020 Southern California Super Lawyers List (January 16, 2020)
- Katten Praised in The Legal 500 United States 2019 Guide (June 11, 2019)
- Katten Lauded Top Ranked Law Firm by *Chambers USA* 2019 (April 25, 2019)
- Joel Weiner Comments on Wendy Williams Racial Profiling Defamation Suit (February 27, 2019)
- Super Lawyers List Recognized 13 Katten Attorneys in Southern California (January 30, 2019)
- Katten Distinguished by *The Legal 500 United States* (June 14, 2018)
- Joel Weiner Quoted Regarding Olivia De Havilland's Right of Publicity and False Light Lawsuit (May 8, 2018)
- Katten Rated as Leading Law Firm by *Chambers USA* 2018 (May 3, 2018)
- Joel Weiner Quoted Regarding Wave of Publicity Suits in Hollywood (March 2, 2018)
- Katten Attorneys in Southern California Honored on Super Lawyers List (February 16, 2018)
- Katten Distinguished by *The Legal 500 United States* 2017 (May 31, 2017)
- Katten Recognized as Leading Law Firm by *Chambers USA* 2017 (May 30, 2017)
- Katten Attorneys Recognized in 2017 Southern California *Super Lawyers* List (March 9, 2017)

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- Eighteen Katten Practices and 70 Attorneys Recognized by *The Legal 500 United States* 2016 (June 17, 2016)
- *Chambers USA* 2016 Distinguishes 22 Katten Practices and 50 Attorneys (May 27, 2016)
- David Halberstadter, Joel Weiner and Gloria Franke Shaw Featured in *Variety's* 2016 Legal Impact Report (April 13, 2016)
- Katten Wins Arbitration Award on Behalf of a Former NBA Player (March 28, 2016)
- Partner Joel Weiner Quoted on Hulk Hogan Privacy Trial (March 4, 2016)
- Joel Weiner Comments on Post-Oscars Copyright Lawsuits in Law360 (February 25, 2016)
- Nineteen Katten Attorneys Recognized in 2016 Southern California *Super Lawyers* List (January 20, 2016)
- Joel Weiner Named Media & Entertainment MVP by Law360 (December 14, 2015)
- Katten Attains 22 Practice and 58 Attorney Rankings by *Chambers USA* 2015 (May 20, 2015)
- Katten Secures Motion to Dismiss for YCharts in California District Court Case (May 19, 2015)
- Katten Helps Seth MacFarlane, Media Rights Capital and Universal Studios Win Copyright Case (March 24, 2015)
- Twenty-One Katten Attorneys Recognized as Top Attorneys in Southern California (January 21, 2015)
- Partner Joel Weiner Selected to *Daily Journal's* 50 "Top Entertainment Lawyers" List (November 11, 2014)
- Partners Joel Weiner and Bruce Sabados Achieve Complete Dismissal of Claims Against Top NBA Agents Dan Fegan and Happy Walters of Relativity Sports (October 23, 2014)
- Katten Obtains Favorable Rulings for Eddie Murphy, Wendy Williams and the *Wendy Williams* Show in Defamation Suit (June 13, 2014)

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- *Chambers USA* 2014 Distinguishes 24 Katten Practices and 54 Attorneys (May 23, 2014)
- Katten Obtains Dismissal for Relativity Media in Defamation Suit (May 16, 2014)
- Katten Obtains Peremptory Writ of Mandate for NBCUniversal in *Ghost Hunters* Case (May 1, 2014)
- Partners David Halberstadter and Joel Weiner Featured in *Variety's* Legal Impact Report (April 15, 2014)
- Partner Joel Weiner Comments on Resolution of *Unborn* Copyright Case in Law360 (February 21, 2014)
- Twenty-One Katten Attorneys Recognized on Southern California *Super Lawyers* List (February 10, 2014)
- Partner Joel Weiner Criticizes Petition for Review of *Unborn* Copyright Ruling (January 29, 2014)
- Ninth Circuit Affirms Dismissal of Copyright Lawsuit Against Relativity Media and the Creators and Producers of the Horror Film *The Unborn* (November 22, 2013)
- Katten Wins Dismissal for NBCUniversal in *Animal Practice* Suit (November 6, 2013)
- Katten's Representation of NBCUniversal in *Animal Practice* Suit Noted in Law360 (July 19, 2013)
- Partner Joel R. Weiner Profiled in *Variety's* Legal Impact Report (April 16, 2013)
- Katten Obtains Dismissal of Copyright Infringement Allegations for NBC Universal Inc. (February 28, 2013)
- Partner Gail Migdal Title Quoted by Law360 (February 6, 2013)
- Twenty-Two Katten Attorneys Included on 2013 Southern California *Super Lawyers* List (January 21, 2013)
- Katten Obtains Affirmation of Motion to Dismiss for NBCUniversal (January 9, 2013)

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- Katten Obtains Dismissal of *Biggest Loser* Copyright Infringement Suit for NBCUniversal (May 23, 2012)
- Katten Represents NBCUniversal in Preliminary Injunction (September 23, 2011)
- Katten Represents NBCUniversal in *Million Dollar Decorators* Suit (September 22, 2011)
- Katten Represents NBC Universal in Petition for Supreme Court Review (September 6, 2011)

Publications

- *The Katten Kattwalk* (Triannual) | *Contributor*
- *Montz v. Pilgrim Films & Television, Inc., et al.*: Ninth Circuit Distinguishes *Grosso v. Miramax Film Corp.* and Holds That Certain Claims for Breach of Implied Contract and Confidence Are Preempted by Federal Copyright Law (June 11, 2010)

Presentations and Events

- ABA Forum on Communications Law 23rd Annual Conference (March 1–3, 2018) | *Co-Presenter*
- 2017 American Bar Association Annual Conference (February 11, 2017) | *Panelist | Hot Issues in Entertainment*
- MLRC Media Law Conference (September 21–23, 2016) | *Co-chair | Entertainment Law*
- 28th Annual Media and the Law Seminar (April 17, 2015) | *Moderator | Avoiding Intellectual Property Pitfalls When Documenting Civil Unrest*
- 2014 MLRC/NAA/NAB Media Law Conference (September 17–19, 2014) | *Co-leader | Breakout Session*