



Mark A. Neubauer

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Overview

Mark Neubauer focuses his practice on sophisticated litigation including commercial, securities, antitrust, real estate, employment, and entertainment. He has tried numerous jury and bench cases in both state and federal courts during his 30-plus years of practice.

Mark's legal skills have been repeatedly recognized. In 2010, his jury trial victory for Johnson & Johnson was chosen by the *Los Angeles Daily Journal* as one of the "Top 10 Defense Verdicts" of the year in California. He has consistently been named one of the bet-the-company commercial lawyers in California by *The Best Lawyers of America* and to the *Los Angeles Daily Journal's* list of "Top Labor & Employment Lawyers" in California. Most recently, he was named as one of *Los Angeles Business Journal's* Top 100 Lawyers, which honors the most impactful attorneys in the Los Angeles region, the LA500 list of the most influential leaders and impactful executives in Los Angeles, and BTI's Client Service All-Stars list.

Mark has also held a number of leadership positions with the American Bar Association (vice chair of the ABA Standing Committee on Publications and ABA Journal board of editors), the California State Bar (State Bar Litigation Section chair), Association of Business Trial Lawyers (president) and the Los Angeles County Bar Association (assistant vice president). He also has been recognized for his pro bono work regarding impact litigation for both health and education reform.

A member of the California State and the District of Columbia Bar, Mark received his J.D. from UCLA School of Law and his M.S. and B.S., with distinction, from Northwestern University's Medill School of Journalism. He is a former reporter with the *Miami Herald* and covered the U.S. Supreme Court for the Knight-Ridder newspaper chain.

Experience

- *Office Depot Inc. v. AIG Specialty Ins. Co.*, No. 2:15-cv-02416 (C.D. Cal. June 21, 2019). Won summary judgment on behalf of carrier against a claim for insurance coverage and indemnification with regard to a \$77.5 million settlement of a qui tam action under California's False Claims Act. Summary judgment was upheld after appeal to the Ninth Circuit.
- *Davis v. Einstein Noah Rest. Grp., Inc.*, No. 4:19-cv-00771 (N.D. Cal. Oct. 23, 2019). Mark won the dismissal of all class action claims against his clients, Einstein Bagel and Caribou Coffee, eliminating any class damages and leaving the plaintiff's individual claim at \$1,000 or less. The lawsuit, which alleged violations of the Fair Credit Reporting Act, California's Investigative Consumer Reporting Agencies Act, and California's Unfair Competition Law, was dismissed with prejudice on enforcement of a class action waiver in the arbitration agreement.
- *In re Tribune Co. Fraudulent Conveyance Litig.*, No. 1:12-mc-02296, 2018 WL 6329139 (S.D.N.Y. Nov. 30, 2018). Mark won a motion to dismiss in favor of his client, Durham Monsma, who was sued as an officer/director of a subsidiary of the Tribune. Mr. Monsma was the only subsidiary D&O who prevailed on the merits in this massive fraudulent conveyance litigation involving more than 5,000 defendants. Mark was also part of the defense executive committee, which subsequently prevailed on dismissal of the fraudulent claims against all of the shareholders. The dismissal was upheld by the Second Circuit Court of Appeals. No. 19-3049, 2021 WL 3700337 (2d Cir. Aug. 20, 2021).
- *PAMC Ltd. v. National Union Fire Insurance Co. of Pittsburgh*. On the hook for a \$42 million settlement in a False Claims Act suit for entering into illegal referral agreements with community clinics, the hospital policyholder filed suit against its insurer for denial of coverage. On behalf of the defendant, Mark secured a motion to dismiss without leave to amend, with the court holding that coverage is barred because the hospital provided untimely notice of the two claims to the insurer.
- *Confidential* (2016). Won a unanimous defense verdict after a six-week jury trial involving claims of over \$29 million for alleged financial elder abuse.
- *Johnson & Johnson Services, Inc. v. Marheine*. Plaintiff was a former senior recruiter for defendant Johnson & Johnson Services Inc. and claimed he was wrongfully terminated for complaining about what he believed were unlawful hiring practices by three of his customers at other Johnson & Johnson companies and sought damages for alleged lost wages, emotional distress, and punitive damages in federal court. After a seven-day jury federal trial, Mark prevailed for the defense.

- *Hills v. Indymac Mortgage Holdings, Inc.* Mark served as lead trial and appellate lawyer in successful one-week bench trial of real estate specific performance claim; won \$440,000 in fees for his client and successfully defended the verdict on appeal.
- *Confidential.* Mark won a \$2.4 million award for breach of contract between two health care providers after a two-week arbitration.
- *Antounian v. Louis Vuitton Malletier*, 189 Cal. App. 4th 438, 117 Cal. Rptr. 3d 3 (2010). Mark obtained judgment of dismissal under California's anti-SLAPP statute for a malicious prosecution case against his client and the client was awarded its attorneys' fees in full in a trial court ruling that was upheld on appeal in a published opinion.
- *In re Harold Kavoussi.* Mark served as lead trial and appellate counsel in successful prosecution of a fraudulent conveyances claim. Judgment for \$4.1 million was affirmed by the Ninth Circuit Court of Appeals.
- *Antounian v. Louis Vuitton Malletier*, 189 Cal. App. 4th 438, 117 Cal. Rptr. 3d 3 (2010).
- *Biosense Webster, Inc. v. Superior Court*, 135 Cal. App. 4th 827, 37 Cal. Rptr. 3d 759 (2006).
- *Dowell v. Biosense Webster, Inc.*, 179 Cal. App. 4th 564 (2009), 102 Cal. Rptr. 3d 1 (2009).
- *Factor Health Mgmt. v. Superior Court*, 132 Cal. App. 4th 246, 33 Cal. Rptr. 3d 599 (2005).
- *Ward v. Nestor*, 884 So. 2d 522 (Fla. 3d DCA 2004).
- *Hilb, Rogal & Hamilton Ins. Servs. v. Robb*, 33 Cal. App. 4th 1812, 39 Cal. Rptr. 2d 887 (1995).
- *Urez Corp. v. Superior Court*, 190 Cal. App. 3d 1141, 235 Cal. Rptr. 837 (1987).
- *Ron Yates Constr. Co. v. Superior Court*, 186 Cal. App. 3d 337, 230 Cal. Rptr. 629 (1986).
- *Canut v. Lyons*, 450 F. Supp. 26 (C.D. Cal. 1977).

Areas of Focus

Practices

- Litigation and Trials
- Appellate & Trial Support
- Administrative Litigation and Appeals
- Banking, Commercial, and Consumer Finance
- Business Transactions
- Cannabis Law
- Construction
- Consumer Finance
- Creditors' Rights and Bankruptcy
- Development

Industries

- Banking, Commercial, and Consumer Finance
- Construction
- Health Care
- Life, Annuity, and Retirement Solutions
- Property & Casualty Insurance
- Real Estate
- Securities & Investment Companies
- Technology
- Telecommunications

- Distressed Health Care
- Government Law & Consulting
- Health Care
- Institutional Investment and Finance
- Intellectual Property
- Investment and Ownership
- Labor & Employment
- Lending
- Life, Annuity, and Retirement Litigation
- Mass Tort and Product Liability
- Media, Entertainment, Music & Sports
- Pharmaceuticals and Medical Devices
- Real Estate
- Real Property Litigation
- Securities Transactions and Compliance
- Technology
- Telecommunications
- Telephone Consumer Protection Act
- Title Insurance
- Trade Secrets / Noncompete Litigation and Consulting
- Class Actions

Insights

10.07.2022

Legal Research: The Old Way Versus the New

01.21.2022

The Disappearing Oral Argument

03.01.2021

California Supreme Court Prohibits Rounding Meal Break Time

01.21.2021

California's COVID-19 Exposure Notification Law May Spread to Other States

02.25.2019

Court Finds No Coverage for \$42 Million False Claims Act Suit Due To Late Reporting

06.14.2018

Must a Plaintiff Representing Unnamed Parties Under California's Private Attorney General Act Comply with Rule 23's Requirements?

12.18.2017

Minimum Wage in the Many 'States' of California

10.25.2017

Ninth Circuit Says Plaintiff Might Get Fooled Again

10.25.2017

Ninth Circuit Says Plaintiff Might Get Fooled Again

06.27.2017

New Criminal History Hiring Regulations for California Employers

07.29.2016

California Supreme Court Holds that Whether Arbitration Will Proceed on Class Basis is an Issue for Arbitrator, not Court

06.13.2016

Court Finds that False Claims Act Suit Alleges Uninsurable "Willful Acts"

04.05.2016

California Supreme Court Rules Employers Must Provide Suitable Seats to Workers When Reasonably Permitted by the Job and Circumstances

02.15.2016

Food for Thought: 2015 Litigation Annual Review

12.15.2015

Supreme Court Confirms Enforceability of Class Action Waivers

12.07.2015

California Supreme Court Endorses More Consumer False Advertising Litigation in Organic Food Decision

12.07.2015

Food for Thought: Organic Food Act Doesn't Preempt Certain State Law Mislabeling Claims

10.07.2015

CFPB Proposes Banning Use of Pre-Dispute Arbitration Agreements in Consumer Class Actions

09.30.2015

California Employment Law and Arbitration: The Battle Intensifies

04.10.2015

Employment Settlement "Don't Reapply" Clauses Threatened by Ninth Circuit Expansion of California's Business and Professions Code Section 16600

09.19.2014

Legislation Reforms California's Insurance Community Investment Program

07.31.2014

The Art of Cross-Examination, Essays from the Bench and Bar

06.23.2014

California Law on Arbitration Changes... Again

05.01.2014

Emails

04.01.2013

A 40-Year Retrospective on Litigation

01.09.2012

GM's Volt: the politicization of a car

07.07.2010

Supreme Court Attacks Plaintiffs' Bar

07.01.2010

Attorney's Fees: How to Avoid a Conflict With Your Client

06.04.2010

The Price of Political Fame

10.01.2009

California Joins the E-Discovery Age

01.01.2009

Mastering the Blind Cross-Examination

10.01.1994

Things You Have Wanted to Tell a Judge (But Didn't Dare)

News

02.29.2024

Thomson Reuters Names 12 Carlton Fields Attorneys to 2024 Stand-Out Lawyers

06.13.2023

Carlton Fields Attorneys Named 2023 BTI Client Service All-Stars

06.05.2023

Mark Neubauer Named to Los Angeles Business Journal's 2023 LA500

04.21.2023

Thomson Reuters Names Eight Carlton Fields Attorneys to 2023 Stand-Out Lawyers

03.14.2023

Mark Neubauer Quoted in Bloomberg Law: "Viking River Cruises Gets Another Bite at California PAGA Apple"

01.10.2023

2023 Southern California Super Lawyers Honors Carlton Fields Attorneys

10.07.2022

Mark Neubauer Co-Authors Article for ABA Litigation Magazine: "Legal Research: The Old Way Versus the New"

06.07.2022

2022 Southern California Super Lawyers Honors Carlton Fields Attorneys

05.13.2022

Los Angeles Business Journal Names Carlton Fields' Mark Neubauer a Top 100 Lawyer

02.16.2022

Carlton Fields Continues Exponential Growth in Los Angeles, Welcomes Distinguished Trial Lawyer Jan Dodd and Real Estate Lawyer Scott D. Page

02.09.2022

Carlton Fields Attorneys Named 2022 BTI Client Service All-Stars

02.01.2022

Mark Neubauer Authors Article for ABA Litigation Magazine: “The Disappearing Oral Argument”

01.11.2022

Carlton Fields Continues Strategic Growth in Los Angeles

01.10.2022

Carlton Fields Adds 5 Attys To Growing LA Office

12.09.2021

Prominent Litigator Ellyn S. Garofalo Joins Carlton Fields in Los Angeles

01.21.2021

Carlton Fields Los Angeles Office Managing Shareholder Mark A. Neubauer Named to Southern California Super Lawyers 2021 List

05.01.2020

Carlton Fields Recognized as 2020 Top Firm for Insurance for Third Consecutive Year

02.14.2020

The Long View: Carlton Fields is a One-Stop Shop for Companies Looking to Capitalize on Growth Markets

01.07.2020

Carlton Fields’ Trailblazing Cybersecurity and Privacy Practice Welcomes Prominent Los Angeles Technology Lawyer Christina M. Gagnier

10.23.2019

Carlton Fields’ Blockchain and Digital Currency Co-Leader Bolsters Los Angeles Office

10.14.2019

Carlton Fields' Mark A. Neubauer Featured in Los Angeles Business Journal

09.26.2019

Carlton Fields' Los Angeles Office Expands Its Transactional Practice

09.09.2019

Carlton Fields' Los Angeles Office Relocates to Century Plaza Towers

07.11.2019

Court Finds No Coverage for False Claims Act Suit

01.30.2019

Carlton Fields Los Angeles Shareholder Mark A. Neubauer Named to Southern California Super Lawyers 2019 List

11.01.2018

Los Angeles Business Journal Names Mark Neubauer a Leader in Law

08.31.2018

Carlton Fields Nabs Entertainment Litigator For L.A. Office

08.29.2018

Top Litigator Steven B. Weisburd Joins Carlton Fields' Los Angeles Office

08.03.2018

Calif. High Court's Starbucks Decision: Bombshell or Blip?

07.24.2018

American Bar Association Appoints Mark A. Neubauer to Standing Committee on Publishing Oversight

06.05.2018

Calif. Court Affirms Louis Vuitton Class Action Waivers

08.15.2017

78 Carlton Fields Attorneys Named “Best Lawyers in America”

06.21.2017

Carlton Fields Launches Financial Elder Abuse Practice

06.13.2017

Carlton Fields Expands Los Angeles Office with Addition of Major Tax Practice

Recognition

- AV Rated by Martindale-Hubbell
- LA500: The Most Influential People in L.A., *Los Angeles Business Journal* (2023)
- Top 100 Lawyers, *Los Angeles Business Journal* (2022)
- BTI Client Service All-Stars (2022–2023)
- *The Best Lawyers in America*, Bet-the-Company Litigation, Commercial Litigation, Litigation – Intellectual Property, Litigation – Labor and Employment (2006–2024)
- "Stand-Out Lawyers," Thomson Reuters (2023–2024)
- Southern California Super Lawyers, Business Litigation, *Super Lawyers Magazine* (2004–2022)
- "[Court Finds No Coverage for \\$42 Million False Claims Act Suit Due to Late Reporting](#)" recognized as a top article in health care by the 2020 *JD Supra* Readers' Choice Awards
- Top Rated Lawyer in Intellectual Property Law, ALM Media and Martindale-Hubbell (2020)
- Finalist, Leaders in Law Award, *Los Angeles Business Journal* (2018)
- Public Counsel Annual Pro Bono Award for Impact Litigation (2014)
- Top Labor & Employment Lawyers, *Daily Journal* (2010, 2012)
- Top Defense Verdicts, *Daily Journal* (2010)
- ACLU Pro Bono Lawyer of the Year
 - Educational Equity Award for work on the *Cruz v. California* class action (2016)
 - Pro Bono Civil Rights Award for work on the Rancho Los Amigos Hospital class action (2005)

Professional & Community Involvement

- American Bar Association
 - Standing Committee on Publishing Oversight (2018)
 - Section of Litigation
 - Senior Editor, *Litigation Magazine* (2018–2019, 2021–present)
 - Co-Chair, Communications (2021–present)
 - Publications and Content Officer (2015–2018)
 - Board of Editors, *ABA Journal* (1998–2006)
 - Litigation Section Council Member (1996–1999)
 - Editor-in-Chief, *Litigation Journal* (1994–1996)
 - Associate Editor (1983–1994)
- Association of Business Trial Lawyers
 - President (1991–1992)
 - Vice President
 - Secretary
 - Treasurer
 - Board of Governors
 - Editor, *ABTL Report*
- California State Bar
 - Litigation Section Chair (1989–1990)
 - Litigation Section Vice Chair
 - Litigation Section Treasurer
 - Executive Committee
- Los Angeles County Bar Association
 - Assistant Vice President (1999–2000)
 - Board of Trustees (1998–1999)
 - Judicial Appointments Committee (1997–1999)
- Los Angeles County Bar Foundation
 - Board of Directors (1996–2002)
- Westside Legal Services
 - Board of Directors (1982–1985)

Speaking Engagements

- "Experts and Attorneys Working Together to Resolve Cases Before Trial," ABA Litigation Section Regional CLE Workshop, Los Angeles, CA (September 28, 2017)
- "Project Management and Innovation," Carlton Fields In-House Counsel Forum, Orlando, FL (March 2016)
- "Labor and Employment Law Jeopardy – New Workplace Challenges That Can Put Your Company at Risk," Carlton Fields In-House Counsel Forum, Orlando, FL (March 2016)
- "Critique of Cross-Examination; Questions and Answers," Anatomy of a Trial, ABA Litigation Section Annual Meeting (April 9, 2014)
- "Trying the Arbitration Case: What Lawyers and Arbitrators Need to Know About Commercial Arbitration," Los Angeles County Bar Association (January 23, 2014)
- "Critique of Opening Statements; Questions and Answers," Anatomy of a Trial, ABA Litigation Section Annual Meeting (April 24, 2013)

Credentials

Education

- UCLA School of Law (J.D., 1976)
 - Associate Editor, *UCLA Law Review*
- Northwestern University (M.S., 1973)
- Northwestern University (B.S., with distinction, 1972)

Court Admissions

- U.S. Court of Appeals, Second Circuit
- U.S. District Court, Central District of California
- U.S. District Court, District of New Jersey

Bar Admissions

- California
- District of Columbia
- Wisconsin