



Michael S. Brophy

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Practice Areas

Litigation
Intellectual Property
Trust and Estate Litigation
Entertainment

Education

American University
(BA, 1995, magna cum laude)
Harvard Law School
(JD, 1998, cum laude)

Michael Brophy is a partner of **Russ August & Kabat** where he practices in the litigation department.

Mr. Brophy's practice focuses on probate litigation, intellectual property, entertainment and employment matters. Mr. Brophy has extensive experience in trust and estate litigation, copyright, Lanham Act, trade secret, patent, unfair competition, contract, and wrongful termination matters. In addition to litigation matters, his experience includes risk assessment and counseling, alternative dispute resolution, and administrative proceedings.

Mr. Brophy has successfully represented a wide range of clients from multinational Fortune 500 companies to small production companies. He has also represented large institutional fiduciaries and individual trustees. Examples of successful representations include:

Trust and Estate Litigation

- Represented an individual trustee in a bench trial obtaining a complete and decisive verdict in favor of the fiduciary.
- Represented the co-trustees of the living trust of a deceased celebrity in defeating fraud claims in arbitration.
- Represented the co-executors of the estate of a deceased celebrity in defeating employment and contract claims.
- Represented trust-owned partnership in successfully retrieving misappropriated residual funds.

Intellectual Property

- Represented large home improvement company in defeating a request for a temporary restraining order and preliminary injunction regarding claims of trademark and copyright infringement, Lanham Act violations, and violation of state unfair competition laws.
- Represented importer of book lights in defeating a request for a temporary restraining order and preliminary injunction regarding claims of trade dress infringement regarding product design.
- Represented a major chemical manufacturer in resolving a trade secret dispute with a former independent contractor.
- Represented pharmaceutical company in a patent dispute regarding a generic drug.

Entertainment

- Counseled major television studio regarding risk management in non-scripted programming.
- Represented foreign entertainment client in successfully resolving a film finance dispute with a production company.
- Represented a well-known music group in a trial with their former attorneys.
- Represented an advertising agency in a dispute with a rock music group regarding a commercial.

Commercial Disputes

- Obtained and enforced a default judgment for a major auction house in an art fraud matter, seizing known California assets.
- Counseled major talent agency regarding employment and contract related issues.
- Counseled major educational institute regarding contract and risk management issues.
- Represented major retailer in class action relating to wage and hour claims.

Mr. Brophy has presented on a variety of litigation subjects, including a speech titled "Navigating Legal Issues in the Electronic Age" for the Association of Corporate Counsel of America, Southern California Chapter, and a speech titled "Perspectives on Trustee Fees: Evaluating 'Reasonableness' in Trust Planning, Administration and Litigation" for the Beverly Hills Bar Association. Other recent presentations include: "Privacy Protection: What Every In-House Counsel Needs to Know About: Managing and Protecting Private Employee, Consumer and Company Information" for the Association Of Corporate Counsel of America, Southern California Chapter, and "Legal Writing and Research," Winston & Strawn LLP, Los Angeles.

Mr. Brophy was a 2008, 2009 and 2010 "Rising Star" as published in Los Angeles Magazine and Southern California Super Lawyers and a 2008 Law Dragon finalist.