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About Adam

Adam Fox is an experienced trial lawyer, trailblazer and community leader who has received numerous accolades for his client service. In just the last five years the *Los Angeles Times* named him among its "Legal Visionaries," the *Los Angeles Business Journal* honored him as a finalist for its prestigious Litigation Attorney of the Year award and Attorney Intel listed him among the "Top 50 Attorneys of Los Angeles."

These accolades are unsurprising given Adam's record of successfully handling high-profile cases for public officials, celebrities, sports figures, foreign governments and a wide range of business enterprises in their most challenging controversies. He has tried cases all over the US, and arbitrated disputes in both Europe and Asia. Many cases Adam has litigated have garnered substantial media attention, including front-page coverage in the *Washington Post* and *Los Angeles Times*, and feature stories in the *Wall Street Journal* and *New York Times*, among others.

Widely regarded as a tough, effective advocate, a quick study and a creative thinker, clients call upon Adam in a wide range of industries. He has led the charge in some of the nation's most high-profile competitor and class action suits, handled enterprise threatening litigation dealing with a number of famous trademarks, location-based services technology, the emerging cannabis industry and figured prominently in hotly contested cross-border disputes, as well as a wide range of mass torts involving alleged environmental contamination and exposure.

Adam also regularly publishes thought leadership and is routinely sought out by journalists to comment on litigation trends. He has contributed multiple chapters to *The Comparative Law Yearbook of International Business*, regularly provides updates to California's Continuing Education of the Bar treatises addressing unfair competition and other business-related torts, and authored several law review articles. Adam has also lectured, presented papers or served on speaking panels at the University of Colorado Law School, George Mason University School of Law, Rutgers University School of Law and the University of California at Los Angeles. He has likewise presented at conferences of the American Bar Association and Defense Research Institute.

Before entering private practice, Adam served as a judicial clerk for the late Honorable Robert B. Krupansky of the US Court of Appeals for the Sixth Circuit. Adam previously served as the managing partner of the firm's Los Angeles office, and as a member of the firm's Global Board. He currently serves on the Board of Trustees for the Oaks School in Los Angeles.

Experience

Class Action Cases

- Acting as lead counsel for a national insurance company currently defending against several lawsuits pending in the Fourth, Eighth and Ninth Circuits as well as multiple state courts asserting putative class actions for breach of contract, conversion and other relief arising from allegations that the company set rates for the cost of insurance in a manner inconsistent with its policies' governing language.
- Serving as lead counsel, now defending a market leader in on-demand identity verification and fraud prevention against a putative class action pending in the Northern District of Illinois alleging several violations of that state's Biometric Information Privacy Act (BIPA) arising from the handling of a minor's uploaded "selfie" and school identification documents in order to register as a developer of a popular online gaming application.

- Avoiding an eight-figure monetary award requested by a class of plaintiffs in a jury trial confined to the issue of damages, conducted in the Western District of Missouri, after inheriting a case from another firm during whose representation the court had certified the class and determined liability on summary judgment. Building on a blistering cross-examination of Plaintiff's damages expert and a post-trial motion obtaining partial decertification of the class beyond the statute of limitations due to individualized questions of reliance, the court awarded just six figures, approximately 5% of what Plaintiff sought.

- Securing, as lead counsel for a multinational consumer products company, the dismissal of a multiple putative federal class actions, in New York and California, and a consumer protection suit in the District of Columbia, alleging false advertising of the nation's leading dental floss products allegedly contaminated by per- and polyfluoroalkyl substances, based on the implausibility of those allegations in light of the scientific publications cited to support them.

- Obtaining, as lead counsel, the complete dismissal of a major burger and restaurant chain defending against a putative class action in the Eastern District of New York, alleging false advertising of its menu offerings by marketing images of certain food products that differ in appearance from those actually offered for sale.

- Securing as lead counsel the complete dismissal of the former Chief Deputy City Attorney of Los Angeles in a putative federal class action alleging collusion between the City Attorney's Office and plaintiffs' lawyers in a prior lawsuit against the City's Department of Water and Power, purportedly depriving ratepayers of full recompense for overcharges and giving rise to a taxpayer suit.

- Having served as lead counsel defending Sprout Foods in a large number of putative class actions nationwide alleging false advertising by failing to disclose trace amounts of heavy metals in baby food, following the publication of a congressional Subcommittee on Economic and Consumer Policy expressing industry-wide concerns.

- Obtaining as lead counsel for a leading probiotic drink maker the denial of class certification in a federal lawsuit alleging false advertising of the health benefits of consuming the beverages. After the plaintiff voluntarily dismissed the case to appeal the denial of class certification, the Ninth Circuit dismissed the appeal.

- Resolving by amicable settlement a putative federal class action brought by prison inmates and a criminal defense lawyer against a prison telephone service provider accused of recording privileged calls. This result followed the Ninth Circuit's grant of our Rule 23 petition to review the trial court's order granting a renewed motion for class certification after having earlier denied it on the same evidence.

- Resolving by amicable settlement a putative federal class action brought against a premium organic juice company accused of falsely advertising its products as "fresh pressed" and "cold pressed" despite being pasteurized, following a successful discovery strategy exposing the plaintiff as a serial litigant prior to resolution of the class question.

- Obtaining, without payment, the plaintiff's voluntary dismissal of a putative federal class action alleging false advertising by a leading moving equipment and storage rental company after presenting the plaintiff with evidence contradicting his claims.

Complex Civil and Cross Border Cases

- Currently serving as lead counsel in the District of Delaware to defend a private equity group against claims brought by its disgruntled and disgraced founder for having allegedly been stripped of his financial interests after a jury in the Southern District of New York convicted him of insider trading.

- Now representing as lead counsel in the District of Columbia an identity verification, location intelligence and fraud prevention company based in the UK and its US-based affiliate against claims of trade secret misappropriation, intentional interference and contract claims arising from alleged violations of a confidentiality agreement during the due diligence attendant to a corporate acquisition.
- Amicably resolving as lead counsel for Fashion Nova a federal lawsuit pending in the Central District of California, defending against allegations by Playboy of trademark infringement, and asserting counterclaims seeking the invalidation of those marks to Playboy's so-called "Bunny Costume" based on its effective abandonment.
- Resolving as lead counsel for a communications company in a case pending in the Eastern District of Missouri a claim alleging violation of 42 U.S.C. § 1983 and individual privacy rights by giving law enforcement access to location information based on cell phone use.
- Securing a nine-figure arbitration award before the Netherlands Arbitration Institute in Amsterdam that sought to enforce contractual and intellectual property rights in technology providing Location Based Services to monetize a popular geosocial networking application used by hundreds of millions of people worldwide.
- Orchestrating, as lead counsel, a multimillion-dollar directed verdict for the US subsidiary of a multinational corporation in a complex business dispute involving claims of breach of contract and fraud.
- Resolving a claim by a Hollywood celebrity that a leading cosmetics company and several high-end retailers claims violated her rights of publicity following a successful motion to strike punitive damages.
- Serving, prior to settlement, as lead counsel for America's sugar farmers and refiners in a federal false advertising lawsuit against processors of high fructose corn syrup (HFCS) and their trade group, for falsely advertising the various formulations of HFCS as "corn sugar," "natural" and that "your body can't tell the difference."
- Securing, as lead trial counsel, a jury verdict for a commercial plaintiff and counterclaim defendant in a multimillion-dollar international contract dispute in federal court regarding the importation of goods subjected to antidumping tariffs.
- Resolving, by amicable settlement, a multijurisdictional trademark infringement case involving Zippo, the iconic, consumer product company and owner of the BLU trademark for its innovative torch flame butane lighters and the maker of BLU electronic cigarettes.
- Obtaining summary judgment based on the license exhaustion doctrine for computer motherboard designers against several patent infringement claims for technology essential to their business.
- Resolving, by amicable settlement, a federal false advertising case on behalf of Breville, a pioneer in fruit and vegetable juicers, against a group of competitors promoting a line of masticating juicers as extracting and preserving more vitamins, minerals, enzymes and other nutrients than competitive centrifugal juicers.
- Having represented Banco Central de Venezuela, the Venezuelan central bank, in a federal lawsuit asserting civil RICO and Lanham Act false advertising claims against a group of defendants allegedly involved in an enterprise using social media tools to misrepresent and manipulate a black market for foreign exchange, exacerbating inflation and robbing the central bank of seigniorage.

- Resolving, by amicable settlement, a federal false advertising case on behalf of a sugar industry trade association and several of its members against a competitor making a popular low-calorie sweetener following the successful pre-trial challenge of one of its experts addressing damages.
- Securing orders and Special Examiner appointment to compel production of documents and take testimony in the US in aid of legal proceedings pending in the People's Republic of China.
- Representing entertainment industry players, including a graphic novel publisher, an animation company, a world champion boxer, a major recording artist, one of Hollywood's top actors and the licensing company of one of the world's most famous comedy teams.

Environmental Exposure Cases

- Amicably resolving, after securing partial summary judgment for the named defendant against claims brought by a California state agency, alleging contamination of soil and groundwater with numerous solvents and perchlorate from the use of perchloric acid in recycling process polytetrafluoroethylene (PTFE), a synthetic fluoropolymer of tetrafluoroethylene commonly known as Teflon™.
- Representing a major chemical manufacturer in a 3,500+ plaintiff multidistrict litigation involving claims that drinking water allegedly contaminated with perfluorooctanoic acid (PFOA) resulted in serious personal injury. Served in all aspects of the defense, with a particular focus on the scientific and expert issues relating to epidemiology and corporate conduct in light of the historic state of scientific knowledge.
- Obtaining, as lead counsel, the dismissal of a California company and its foreign corporate parent, both of which had been sued in more than 40 coordinated cases in California state court alleging the toxic exposure of thousands of plaintiffs to hexavalent chromium from the clinker dust from the cement operations of several enterprises.
- Securing summary judgment – and obtaining an appellate affirmance of that judgment – for the owner of property adjacent to a US EPA Superfund site in response to charges that contamination had migrated to the site causing injuries to workers there.
- Acting as trial counsel and obtaining a defense jury verdict for a well-known petrochemical company against multiple claims of serious injury arising from alleged toxic exposure to benzene and toluene.

Credentials

Education

- Cornell University, J.D., senior note editor, *Cornell Law Review*, 1996
- University of Colorado, B.A., *magna cum laude*, 1993

Admissions

- New York, 2012
- California, 2002
- Ohio, 1997

Courts

- U.S. Ct. of App., Ninth Circuit
- U.S. Ct. of App., Sixth Circuit
- U.S. Ct. of App., Third Circuit
- U.S. Dist. Ct., C. Dist. of California
- U.S. Dist. Ct., Dist. of Colorado
- U.S. Dist. Ct., E. Dist. of California
- U.S. Dist. Ct., N. Dist. of California
- U.S. Dist. Ct., N. Dist. of Ohio
- U.S. Dist. Ct., S. Dist. of California
- U.S. Dist. Ct., S. Dist. of New York
- U.S. Dist. Ct., E. Dist. of New York
- U.S. Supreme Court

Expertise

Services

- Intellectual Property & Technology
- Litigation
- Environmental, Safety & Health
- Government Investigations & White Collar

Publications & Speaking Engagements

- Co-Chair, "Forum on the Defense in Food Litigation," The Windsor Court Hotel, New Orleans, Louisiana, November 2023.
- Quoted, "Retailer Pays To Settle CBD Co.'s Suit Over Store Openings," *Law360*, July 2022.
- Quoted, "Can sugary products be labeled as 'nutritious'? And how much added sugar is too much? Clif Bar to settle lawsuit with $10.5m fund," *Food Navigator-USA.com*, June 2022.
- Quoted, "CBD Maker Says Franchisors Used Its TMs For Another Brand," *Law360*, September 2021.
- Co-Chair, "Forum on the Defense in Food Litigation," The Windsor Court Hotel, New Orleans, Louisiana, November 2021.
- Author, "Grappling with Plastic: An Increasingly Inflexible Legal Issue," *The Comparative Law Yearbook of International Business*, Volume 42, 2021.
- Quoted, "Chobani targeted by 'vanilla vigilante' Spencer Sheehan in 'particularly weak and implausible' Lawsuit," *Food Navigator-USA.com*, May 2021.

About our firm

One of the world's strongest integrated law firms, providing insight at the point where law, business and government meet. We deliver commercially focused business solutions by combining our legal, lobbying and political capabilities and invaluable connections on the ground to a diverse mix of clients, from long-established leading corporations to emerging businesses, startup visionaries and sovereign nations. More than 1,500 lawyers in over 40 offices across four continents provide unrivaled access to expertise.