



## Jonathan B. Sokol

Partner

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For over 25 years, Jonathan Sokol has been successfully handling complex business disputes for a broad range of clients, ranging from Fortune 100 companies to high net worth individuals.

Jon has successfully handled a number of jury and bench trials for clients in state and federal court. His practice focuses on representing clients in copyright and trademark infringement actions and representing policyholders in insurance coverage and bad faith litigation against insurance companies. Jon also has significant experience representing major real estate developers and other companies in construction, real estate and environmental litigation.

### Awards

- *The Best Lawyers in America*, Litigation - Insurance (2016- 2021)
- Southern California Super Lawyers (2004)

### Bar Admissions

- California

### Court Admissions

- United States District Court for the Central, Northern, and Southern Districts of California

### Education

- University of California, Berkeley School of Law (J.D., 1987)
- Tulane University (B.A., 1984)

## Intellectual Property Litigation

Jonathan Sokol handles a variety of entertainment and intellectual property litigation matters, specializing in protecting rights owners. He has represented production companies, authors, actors and musicians in high-profile copyright infringement, trademark infringement and unfair competition actions and has counseled clients on all aspects of copyright and trademark law.

### REPRESENTATIVE MATTERS:

- *Lil' Joe Records v. Worldwide Pants Incorporated*: Represented producer of "Late Show With David Letterman" and "The Late Late Show with Craig Kilborn" in the defense of music copyright infringement action involving alleged use of a "2 Live Crew" song as a play-on for guests.
- *FOX Sports South v. TBS and Time Warner*: Represented Fox Sports regional sports network in complex litigation against TBS and Time Warner arising out of breach of non-compete agreement with respect to the cable distribution of regional sports programming in the Southeast region of the country.
- *Dr. Seuss Enterprises v. ABC (Disney)*: Represented the owner of the rights to the works of Theodor S. Geisel (Dr. Seuss) in trademark infringement action against ABC/Disney arising out of ABC's launch of network television series originally entitled "Sam I Am." Matter successfully resolved by ABC agreeing to change the name of the show.
- *Magidon Films, Inc. v. Jaam-E-Jam Network*: Represented producer of the film "Baraka" in copyright infringement action against largest Persian television network in the world that aired an infringing music video performed by Dariush that incorporated numerous unauthorized clips from Baraka. Obtained \$400,000 settlement for client.
- *Magidson Films, Inc. v. MTV Networks*: Represented producer of the film "Baraka" in copyright infringement action against MTV arising out of show that aired on MTV incorporating infringing material from Baraka. Confidential settlement.
- *Moldex-Metric, Inc. v. Aearo Company*: Represented manufacturer of earplug products in complex trademark infringement action against largest manufacturer of earplug products in the world arising out of infringement of client's color design mark for earplugs. Obtained preliminary injunction preventing further sale of infringing products and requiring recall of infringing products. Later obtained confidential settlement for client, including permanent injunction against defendant.
- *Robert Kaufman Company v. Picnic Time, Inc.*: Represented leading manufacturer in the U.S. of fabric designs in copyright infringement action against former customer who had knock-offs of client's design manufactured in the Orient. Obtained judgment for permanent injunction against defendant and \$1 million settlement for client.

## Insurance Litigation

### Insurance Recovery and Bad Faith Litigation

Jonathan Sokol has over 25 years of experience representing policyholders in coverage and bad faith litigation against insurance companies in disputes arising under virtually every type of insurance policy in matters involving environmental contamination, exposure to toxic substances, construction defect litigation, securities-related claims, wrongful termination and other employment-related claims, patent, trademark and copyright infringement matters, employee dishonesty claims under fidelity bonds and commercial property damage claims.

#### **REPRESENTATIVE MATTERS:**

- Represent Northrop Grumman in several insurance coverage matters seeking coverage for costs incurred in responding to various enforcement actions pending around the country involving sites formerly operated by entities acquired by Northrop.
- Represented San Diego Gas & Electric in insurance coverage litigation against its insurers arising out of petroleum and PCB contamination of various sites.
- In a highly publicized environmental insurance coverage action, represented Paco Terminals against 30 primary and excess insurers during the late 1980s that at the time was the largest insurance coverage case filed in California. Case arose from underlying environmental actions against client arising from copper contamination of San Diego Bay. Obtained \$8.3 in settlements from insurers.
- Represented Lincoln Properties, a shopping center owner, in the prosecution of insurance coverage litigation against 16 primary and excess insurance carriers in dispute arising out of property contamination caused by the operations of dry cleaner tenants at the shopping center.
- Represented one of the nation's largest real estate developers in multiple coverage lawsuits arising out of underlying 15 coordinated construction defect lawsuits in Imperial Valley, California, involving 13 different subdivisions, over 2,200 single family homes and in excess of \$100 million in alleged property damage; negotiated settlements with insurers to fund settlements of underlying litigation.
- Represented a developer in defense cost contribution action against five insurers arising out of insurers' failure to contribute to the cost of defending 15 underlying construction defect lawsuits; obtained summary judgment that insurers obligated to contribute to the cost of defending underlying litigation and negotiated \$750,000 settlement of action.
- Represented a developer in coverage action regarding excess insurer's obligation to drop down in place of insolvent primary insurers-to settle underlying construction defect litigation; obtained \$650,000 settlement of action before court was to have heard client's motion for summary judgment regarding "drop down" issue.
- Represented a developer in insurance coverage and bad faith action against commercial property insurer arising out of insurer's refusal to pay insured's claim for a fire loss destroying 1,800 olive trees in residential subdivision valued at in excess of \$1 million.
- Represented a public utility company in two coverage lawsuits seeking coverage for underlying environmental cleanup actions involving petroleum and PCB contamination.

## Environmental Litigation

Jonathan Sokol has been resolving complex environmental litigation matters for clients for over 25 years. His practice focuses on litigation of complex environmental disputes, throughout the United States, including environmental cost recovery litigation and environmental insurance coverage litigation. He has represented numerous businesses in the defense of cleanup actions brought by federal and state agencies and in the prosecution of cost recovery litigation against other responsible parties, including insurance companies. His clients have included companies in the defense and aerospace industries, shopping center owners, dry cleaners, public utility companies, pesticide formulators, real estate developers and private landowners.

### REPRESENTATIVE MATTERS:

- U-Haul Company of California v. The Ross Family Trust: represented owner of real property in the defense of lawsuit brought in federal court by adjoining landowner asserting claims under CERCLA, RCRA, negligence, nuisance and trespass to recover damages for alleged contamination resulting from migration of impacts from client's property. Following two week jury trial on state law claims, obtained defense verdict in favor of client as to claims for negligence, public nuisance and trespass. Following bench trial on federal claims, obtained judgment in favor of client as to claims under CERCLA and RCRA.
- Paco Terminals, Inc.: represented stevedore company in the defense of highly publicized administrative cleanup action brought by California Regional Water Quality Control Board arising out of copper contamination of San Diego Bay and in the prosecution of CERCLA contribution actions against other responsible parties, including the San Diego Unified Port District and various copper mining companies. Also represented client in related insurance coverage litigation against over 30 primary and excess insurers.
- Lincoln Properties: represented shopping center owner in the prosecution of insurance coverage litigation against 16 primary and excess insurance carriers in dispute arising out of property contamination caused by the operations of dry cleaner tenants at the shopping center.
- Gowan Company: represented pesticide formulator in defense of coordinated DBCP pesticide litigation in Central Valley, California and in related insurance coverage litigation against client's domestic and foreign insurers.

## Insights

September 16, 2020

**Ninth Circuit Court of Appeal Rules that Excess Insurer Cannot Challenge Exhaustion of Underlying Insurance on Coverage Grounds**

August 20, 2020

**36 Greenberg Glusker Attorneys Named to 2021 Best Lawyers® List**

March 27, 2020

**Hollywood faces huge losses from coronavirus. Can the insurance industry bail it out?**

*Los Angeles Times*

March 25, 2020

**Here's what your restaurant business insurance may (or may not) cover during the coronavirus pandemic**

*Nation's Restaurant News*

March 18, 2020

**Business Interruption Coverage for COVID-19 Losses**

August 15, 2019

**29 Greenberg Glusker LLP Lawyers Named to 2020 Best Lawyers® List**

November 13, 2018

**California Wildfires - Insurance Reminder**

August 15, 2018

**26 Greenberg Glusker attorneys named to 2019 Best Lawyers® list**

August 15, 2017

**21 Greenberg Glusker Fields Claman & Machtinger LLP attorneys named to 2018 Best Lawyers® list**

*Best Lawyers*

August 21, 2015

**Insurance Protection for Losses May Be Freely Assigned in Connection with a Corporate Sale or Reorganization**

*Greenberg Blawg*

July 10, 2014

**Supreme Court to Hear 'Raging Bull' Copyright Case; Could Undercut Favorite Studio Defense**

*The Wrap*

May 19, 2014

**Supreme Court Gives New Life to 'Raging Bull' Rights Case**

*Variety*

October 28, 2013

**High court looks to knock out 'severe' split**

*Los Angeles Daily Journal*

October 1, 2013

**Supreme Court Agrees to Hear Dispute Over 'Raging Bull'**

*Variety*

October 1, 2013

**'Raging Bull' copyright fight headed for U.S. Supreme Court**

*Reuters*

September 11, 2013

**Record Labels Sue Sirius XM Over the Use of Older Music**

*The New York Times*

August 23, 2013

**Turtles' Song Battle Will Spur Suits — If It Clears Hurdles**

*Law 360*

## **GREENberg bLAWg**

Where the Law and the Environment Connect.

August 21, 2015

**Insurance Protection for Losses May Be Freely Assigned in Connection with a Corporate Sale or Reorganization**

On August 20, 2015, the California Supreme Court handed down its much-anticipated decision in Fluor Corporation v. Superior Court (Hartford Accident & Indemnity Company) . The court held that Insurance Code §520, a seldom cited provision of the Insurance...

August 14, 2012

**CALIFORNIA SUPREME COURT EXPANDS AVAILABLE POLICY LIMITS TO COVER ENVIRONMENTAL CLAIMS**

On August 9, 2012, the California Supreme Court handed down its much anticipated decision in State of California v. Continental Ins. Co. The California Supreme Court held that the “all sums” method of allocation applies in California and that...

October 20, 2009

**Litigation Update – Fifth and Second Circuits Reverse Dismissal of Private Party Climate Change Lawsuits**

Twice in recent months, federal appeals courts have opened the door to climate change damage claims by private parties against companies that contribute to global warming. On October 16, 2009, the Fifth Circuit Court of Appeals in Comer, et...