

# Jerrold Abeles

PARTNER

Jerry practices in the area of complex commercial litigation.



## Industries

Construction  
Insurance & Reinsurance

## Practices

Complex Litigation  
Trademark

## Education

University of Southern California JD,  
1988  
University of California, Los Angeles BA,  
1985

## Offices

Los Angeles

## Phone

213.629.7407

## Email

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Jerry's practice includes business torts, misappropriation of trade secrets, false advertising, defamation, construction, products liability, and insurance matters. He represents local, national, and international clients in state and federal courts as well as in mediations and arbitrations. Jerry served as an arbitrator and mediator for the Los Angeles Superior Court for more than 15 years. During that time, he handled approximately 75 cases involving contract and tort claims.

## Client Work

Jerry's client work focuses predominantly on representation of corporations and partnerships in business disputes. He also represents large contractors and subcontractors in disputes involving delay and disruption claims, design changes, breach of contract, and fraud. A sample of Jerry's representations includes:

- Obtained jury verdict in client's favor on claims for misappropriation of trade secrets, breach of contract, and breach of duty of loyalty against a former employee who stole company records before joining a competitor. Judgment includes compensatory damages, costs, and punitive damages. This case was one of the Top 25 breach of contract verdicts in California in 2017.
- Obtained summary judgment for \$69 million in suit against two corporations that engaged in fraud, trademark infringement and counterfeiting, and breach of license agreement. The judgment included treble damages, interest, and attorney's fees.
- Defended sportswear manufacturer and 15 national retailers in federal trademark infringement trial. During trial, the case settled for a fraction of the plaintiff's claimed damages.
- Represented creator and manufacturer of changing portraits for the haunt industry in defense of copyright infringement action; following a five-day federal court trial, judgment was entered against the plaintiff on the

copyright claim, and the court awarded attorneys' fees to Jerry's client.

- Defeated a plaintiff's effort to obtain a preliminary and permanent injunction in suit challenging use of the plaintiff's name as a website domain name. Following the court's determination that the plaintiff could not demonstrate a likelihood of prevailing on the merits, the plaintiff dismissed the suit and paid Jerry's client's attorney's fees.
- Represented Indian tribe prosecuting claim against financial services vendor that converted nearly \$1 million in funds from the tribe's casino; the arbitrator found in favor of the tribe.
- Defended contractor in claim by subcontractor for extra-contractual damages; on the third day of trial, the court granted a defense motion for non-suit, dismissed the jury and awarded the defense its attorneys' fees.
- Represented nonprofit sober living facility sued by a former director for defamation; following an 11-day trial, the court found in favor of Jerry's client on four tort claims and awarded only nominal damages on the remaining claim; judgment was upheld on appeal.
- Obtained arbitration award, including award of attorneys' fees and costs, following nine-day arbitration of breach of contract claim by subcontractor against general contractor and owner in a project for the construction of a warehouse and railroad car loading facility; the case involved multiple claims for delay and disruption, and more than 50 unpaid change orders.
- Represented a prominent southern California mechanical engineer in a \$200 million construction defect case involving the Bacara Resort and Spa, an exclusive California resort near Santa Barbara; despite the extensive damages claimed, Jerry demonstrated that none of the damages were caused by work performed by his client.
- Negotiated, on behalf of a contractor and hospital, the removal and replacement of three 900-ton capacity chillers that failed to perform as warranted; the manufacturer not only paid for the removal of the defective chillers from the hospital, but purchased replacement chillers from a competitor manufacturer.
- Negotiated settlement of multimillion-dollar delay and disruption claim involving construction of shopping mall, with the owner and developer agreeing to pay our client, a subcontractor, within weeks of the filing of our complaint.
- Defended a subcontractor in multimillion-dollar construction defect litigation in Orange County Superior Court involving more than 100 homes as well as common areas in a planned development community.
- Defended annuity issuer in fraud and elder abuse case by 84-year-old who purchased three immediate annuities.
- Defended a father and his adult children, all shareholders in a family-run corporation, in a suit filed by the grandfather for breach of fiduciary duty; the complex dispute involved issues of corporate control and the operations of five interrelated family businesses over the course of 50 years.
- Obtained a federal court order dismissing a California private securities case against a Florida municipality on a Sarbanes-Oxley issue of first impression in California.

## Professional Activities

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- *Los Angeles Lawyer* magazine, member (1995-present) and chair (2003-2004) of editorial board
- LACBA Judicial Elections Evaluation Committee, member, (2004-present), vice chair (2008-2014), chair (2014-present)
- Los Angeles County Bar Association, member (1995-present)

*Los Angeles Lawyer Survival Guide for New Attorneys in California*, member (2006), editorial committee

- California State Bar, Litigation Section, member

## Publications, Presentations & Recognitions

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Jerry is an AV Preeminent® Rated Lawyer, as determined by Martindale-Hubbell Top Rated Lawyers™. Also, *Law & Politics* selected Jerry as a Southern California Super Lawyer each year from 2005 to 2018. The designation is based on a survey of 65,000 attorneys who were asked "to vote for the best lawyers they had personally observed," rather than on reputation. Jerry's published works and decisions include:

- "How LACBA's Judicial Elections Evaluation Committee Works," *Los Angeles Lawyer*, September 2018
- "Domains in the Balance: Courts Must Weigh the Claims of Trademark Holders Against the Rights of Domain Name Registrants," *Los Angeles Lawyer*, October 2013
- "Reality MCLE," *Los Angeles Lawyer*; February 2008
- "The Dilemma Posed By an Opposing Party With Diminished Capacity," *Los Angeles Lawyer*; November 2007
- "What Every Lawyer Should Know about Filing and Perfecting a Mechanic's Lien," *County Bar Update*; October 2006
- "Corporate Depositions in State and Federal Court," *Survival Guide for New Attorneys in California*; Fall 2006
- "From The Chair," *Los Angeles Lawyer*; June 2004 (monthly column)
- "From The Chair," *Los Angeles Lawyer*; February - April 2004 (monthly column)
- "From The Chair," *Los Angeles Lawyer*; November - December 2003 (monthly column)
- "From The Chair," *Los Angeles Lawyer*; July/August - September 2003 (monthly column)
- "From The Chair," *Los Angeles Lawyer*; September 2002 (monthly column)
- "Signed, Sealed and Delivered," *Los Angeles Lawyer*; April 2002
- "Spoil Sport," *Los Angeles Lawyer*; May 1999
- *Published Decision In the Matter of Terence Michael Coxen*, SEC Admin. Proc., File No. 3-9218, Initial Decision Release No. 140
- *West v. Arent Fox LLP*, 237 Cal. App. 4th 1065 (2015)

## Life Beyond the Law

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In his spare time, Jerry plays on a softball team and enjoys taking photographs. Jerry's photographs have appeared in *USA Today*, the *UCLA Daily Bruin* and the USC Law Center yearbook. Jerry is also an avid fan of UCLA basketball and should not be disturbed during the NCAA tournament.

## Bar Admissions

California

## Court Admissions

Supreme Court of the United States

US Court of Appeals, 9th Circuit

US Court of Appeals, Federal Circuit  
US District Court, Central District of California  
US District Court, Northern District of California  
US District Court, Southern District of California  
US District Court, Eastern District of California  
US Court of Federal Claims