



## Biography

Scott Malzahn is a co-managing partner of the firm and handles difficult, cutting-edge civil lawsuits in both the trial court and on appeal. He regularly represents clients in a range of commercial litigation disputes, with an emphasis on financial technology, copyright, anti-SLAPP law and securities matters. He also represents clients in disputes before the Financial Industry Regulatory Authority (“FINRA”) and other arbitral bodies. In a recent case involving the anti-SLAPP statute, Scott crafted the winning legal arguments adopted unanimously by the California Supreme Court in a decision that established a new legal test to govern anti-SLAPP cases under the catchall provision. He also successfully defended a new media company and its owner in copyright litigation in trial court and on appeal over the streaming of broadcast television over the internet. The *Hollywood Reporter* and *Los Angeles Times* characterized a positive ruling for the client as a “legal earthquake” that “could usher in a new generation of pay TV services online[.]” Scott has tried numerous cases to verdict and has argued before the California Court of Appeal.

Scott regularly represents businesses and individuals in the financial technology sector and is one of the partners in the firm’s Fintech practice. In addition to lower-profile disputes, he has successfully defended the founders of a blockchain technology against one of the first-class actions in the United States over allegations that a digital token sale violated federal securities law. Recently, he handled another securities class action involving the largest-ever digital token sale in the blockchain industry. He has been recognized annually by his peers as a “Super Lawyer” in Southern California since 2019 and was named a “Rising Star” from 2013 through 2017.



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Scott was a core member of the trial team in *Perry v. Schwarzenegger*, which won a historic federal court decision striking down California's ban on same-sex marriage on constitutional grounds. He remains active in the political community and serves as the Vice President of Equality California, the nation's largest statewide LGBTQ+ civil rights organization. For a number of years, Scott taught a course in Constitutional Law to law students at USC Gould School of Law.

He graduated from UC Hastings in the top 1% of his class, where he won a state-wide moot court competition and received a prestigious scholarship from law school faculty. He graduated *summa cum laude* from The College of William and Mary with a Bachelor of Science degree. He was selected by his college faculty to join Phi Beta Kappa and worked during college as a Ropes Course Instructor. He enjoys playing beach volleyball.

## **Representative Engagements**

### ***Trial Practice***

- Defended leading blockchain technology companies and entrepreneurs against multiple securities class actions alleging that digital token sales constitute unregistered securities offerings.
- Defended and negotiated a favorable settlement for a client in a confidential arbitration before the Financial Industry Regulatory Authority regarding allegations that the client acted as a broker without a license.
- Defended an internet-based service against three copyright lawsuits brought by the major broadcast networks and won a landmark summary judgment decision, holding that a service that retransmits broadcast programming over the Internet is eligible for a compulsory copyright license as a cable system under the Copyright Act.



- Successfully defended a patent-holder's portfolio in a novel hologram-like technology in a series of patent infringement lawsuits and through a coordinated cease and desist strategy.
- Successfully pursued a class action against a major health care provider on behalf of hundreds of patients whose privacy was compromised due to the publication of medical information on the Internet.
- Won summary judgment in a breach of contract dispute brought by a major commercial airline lessor against an airline.
- Represented multiple Fortune 500 companies in the aerospace and energy industries in lawsuits against their insurance carriers for third-party liability claims and business interruption losses.
- Represented the parents of two decedents in a wrongful death action against the United States arising out of the deaths of their children at an abandoned military bunker.
- Won political asylum for a young Iraqi boy and his family after CNN covered the story of a terrorist attack on the boy in dozens of news articles and on television.

### ***Appellate Practice***

- Obtained a writ of certiorari and won an appeal to the California Supreme Court, which resulted in a unanimous opinion overturning the trial court and appellate court's dismissal of a libel lawsuit between two private businesses under California's anti-SLAPP statute.
- Successfully defended an internet-based company in appeals before the Ninth, Seventh and D.C. Circuits in a closely watched copyright litigation against the major broadcast networks.
- Represented NBA Hall of Famer Elgin Baylor in his appeal in a discrimination case brought by him against Donald Sterling and the Clippers.



- Authored an *amicus* brief before the U.S. Supreme Court in a copyright dispute, which prompted questions from several Justices during oral argument and shaped the Court’s decision.

### **Publications/Speaking Engagements**

- “California Supreme Court Poised to Consider anti-SLAPP Catch-All Framework”, *Los Angeles Daily Journal* (March 10, 2021)
- “Over the top: The legal gridlock that hinders competition in the US streaming video market”, *Intellectual Property Magazine* (July/August 2019)
- “What November Means for California Justice,” *Los Angeles Daily Journal* (October 29, 2012)
- “SB 491: Protecting Consumers’ Right to Join Together,” *Los Angeles Daily Journal* (June 25, 2012)
- Guest Panelist, American Psychological Association, Annual Convention (2011)
- Key Note Speaker, Colorado GLBT Bar Association, Annual Awards Dinner (2011)
- “The Alien Tort Statute: A Powerful Weapon Against Corporations Engaged in War Crimes,” *Los Angeles Daily Journal* (November 8, 2011)
- “State Sponsorship and Support of International Terrorism: Customary Norms of State Responsibility”, 26 *Hastings Int’l & Comp. L. Rev.* 83 (2002)

### **Admissions**

- California
- Ninth Circuit Court of Appeals
- Central District of California
- Northern District of California
- Southern District of California
- D.C. Circuit Court of Appeals