



Dennis S Ellis

Partner, Litigation Department
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Dennis S. Ellis is a partner in the Litigation practice of Paul Hastings and is global co-chair of the Complex Litigation and Arbitration practice. He is based in the firm's Los Angeles office and his practice concentrates on consumer class actions, unfair competition (Section 17200), business torts, product liability defense, environmental law, and breach of contract actions. He has worked for a diverse group of clients, including major retail chains, petroleum, pharmaceutical, and manufacturing companies, and internationally-known celebrities. Mr. Ellis has authored several articles that have appeared in various legal publications, including a law review article entitled "*A Product Liability Claim By Any Other Name Remains A Product Liability Claim: California Courts Should Not Permit Plaintiffs To Recast A Product Liability Claim In The Terms Of Fraud*," 25 Whittier L. Rev. 441 (2003). He has also written a practitioner's treatise, entitled *Enforcement of Judgments: A Practitioner's Guide to Recovery*, which was published by ALM Media LLC in July 2016.

Before studying law, Mr. Ellis was one of 18 individuals, from a nationwide pool of over 350 applicants, selected to work for the California State Assembly as a Jesse Marvin Unruh Assembly Fellow. After completing the year-long Fellowship program, he was hired as a legislative aide to Assemblywoman Carol Bentley. As Assemblywoman Bentley's chief legislative advisor, Mr. Ellis briefed the Assemblywoman on pending legislation and was responsible for drafting many of the bills that she introduced.

Mr. Ellis graduated from California State University, Fullerton in 1990, where he was a scholarship student-athlete and starting offensive lineman on the Titan football team. He graduated cum laude from Howard University School of Law in 1995. While there, Mr. Ellis was first runner-up in the Charles H. Houston Moot Court Competition, a member of the National Moot Court Team, and a member of the *Howard Law Journal*.

Recent Representations

Los Angeles

T: 1(213) 683-6264
F: 1(213) 627-0705

Practice Areas

Advertising and Promotions
Trade Secrets
Mass Tort, Toxic Tort, and
Environmental Litigation
Life Sciences and Healthcare
Financial Services Litigation
Complex Litigation and
Arbitration
Class Actions
Intellectual Property
Environment and Energy
Litigation

Admissions

California Bar

Education

California State University,
Fullerton, B.A. 1990
Howard University School of
Law, J.D. 1995

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- **Consumer Class Action Defense:** Mr. Ellis has a thriving practice representing cosmetic companies, including, but not limited to, L'Oréal USA, Inc. and Avon Products, Inc., across the country. Most recently, he led a team that defeated class certification on behalf of L'Oréal USA, Inc., when its brand, Kiehl's Since 1851, was named in litigation relating to its customer loyalty program. The lower court's decision denying class certification was affirmed by the Second District of the California Court of Appeal.
- **MVU Investors, LLC v. General Electric Company:** Represented General Electric Company ("GE") as lead counsel in a breach of contract and fraud case (based on failed negotiations surrounding a purchase of medical device patents). A motion for summary judgment was granted in favor of GE by the United States District Court for the Central District of California, which was affirmed on appeal by the Ninth Circuit.
- **John Doe, Mary Doe and Oscar C. Russell, Jr. v. ABC Corporation, DEF Corporation, XYZ Corporation, and Hibernia Corporation:** Represented defendant bank, acquired by Capital One Bank, in a lawsuit brought by two bank executives for breach of their employment contracts and fraud. Based on the allegations in the lawsuit, Mr. Ellis was required to deal with, inter alia, complex issues regarding federal regulation of the banking system. The case, which was pending in Louisiana State Court, had been litigated for 14 years at the time he was brought into the matter. After working on the case for fewer than 18 months, Mr. Ellis handled a mediation, during which a confidential resolution of the case was reached just before trial.
- **New World TMT Limited v. PrediWave Corporation, et al.:** Mr. Ellis was lead attorney in the case which resulted in what is believed to be the largest judgment ever obtained by a Chinese firm in a U.S. court. In New World, PaulHastings successfully brought a motion for terminating sanctions against PrediWave Corporation, eight PrediWave-related companies, and their CEO, Jianping "Tony" Qu. In its order, the court struck all the defendants' answers and cross-claims, and ordered that default be entered against them and in favor of Mr. Ellis's client New World. A default hearing to prove compensatory and punitive damages resulted in a total judgment in excess of \$2.8 billion.
- **Charney v. American Apparel, et al.:** The firm successfully defended American Apparel and chairman Colleen Brown in a \$20 million defamation lawsuit filed by former CEO Dov Charney. The suit alleged that Brown, on behalf of the company, sent a letter to all American Apparel employees containing false claims, including that Charney was fired for cause after an independent investigation revealed financial and sexual wrongdoing. Charney also alleged that the investigation was not independent because it was paid for by the board and produced by a company hired by American Apparel's outside general

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counsel. Mr. Ellis and his team moved to strike the complaint based on California's anti-SLAPP statute, arguing that Charney was suing over acts of free speech and could not demonstrate a probability of prevailing. During the hearing, Los Angeles Superior Court Judge Terry A. Green agreed with the defendant, resulting in a significant win for American Apparel amidst ongoing legal battles, and the award of more than \$100,000 in attorneys' fees related to the cost of bringing the motion. The case and Mr. Ellis's victory have been featured in American Lawyer magazine as one of the top cases in 2015.

Significant Trials and Arbitration

- **Pacific Coin Management v. BR Telephony Partners, L.P., et al.:** Mr. Ellis was part of the Paul Hastings trial team that obtained a \$97.2 million jury verdict on behalf of their client in this lawsuit involving claims of unfair competition and other related claims regarding the alleged failure to disclose material information in an investment solicitation.
- **Broadlink Communications, Inc. v. MRV Communications, Inc.:** Mr. Ellis was the lead trial lawyer in the Broadlink case, assisted only by a junior associate, where Paul Hastings represented iTouch Communications, Inc. ("iTouch"), a division of MRV Communications, Inc. ("MRV"), in a case of breach of contract for sale of goods. A collection agency brought the case in Sonoma County Superior Court on behalf of bankrupt Broadlink. After deliberating for three and a half hours, the jury returned a defense verdict on all counts in favor of the firm's clients, iTouch and MRV.
- **Vitascan v. GE Healthcare:** Mr. Ellis was the lead trial lawyer in the Vitascan case, handling the opening, closing, and direct and cross-examination of all the major witnesses. This case was tried for over three months in Santa Barbara County. In Vitascan, Paul Hastings successfully defended GE Healthcare in a \$16 million lawsuit filed by a Santa Barbara-based preventative medical scanning company. The jury concluded that the company's demise was due to a downward industry trend in the full-body scanning market and its own poor management decisions, rather than the company's claims of malfunctioning equipment manufactured by GE Healthcare. The jury also found in favor of GE Healthcare's claims for unpaid services and awarded more than \$50,000 to GE Healthcare. GE's litigation department was named the "Litigation Department of the Year" by Corporate Counsel magazine for 2007, which cited the Vitascan victory as the primary reason GE merited distinction.
- **Ahmad Besaratinia, M.D. v. City of Hope, et al.:** In 2015, Mr. Ellis assisted in an employment case where the plaintiff brought claims for wrongful termination, retaliation, and defamation, and sought more than \$7 million in compensatory and punitive damages. After more than a month of deliberations, the jury returned a verdict of \$750,000 on the wrongful termination claim and \$200,000

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on the defamation claim, yet remained deadlocked on the retaliation claim. The jury determined that the defendants acted with fraud, malice, and oppression, necessitating a second phase regarding punitive damages. Mr. Ellis was called in at the conclusion of the trial to assist his Employment law partner with deliberations, during which closing arguments were reopened on two separate occasions. Both of those arguments were handled by Mr. Ellis exclusively, who also examined the key witness in the second phase regarding punitive damages. Despite concluding that a second phase for punitive damages was warranted, the jury remained deadlocked on the amount to be awarded as four jurors refused to award any amount of punitive damages.

- Confidential JAMS Arbitration: Mr. Ellis served as lead counsel for Claimant in an environmental case, where Claimant alleged Respondents failed to pay their agreed portion of response costs related to an enforcement action brought by the Regional Water Quality Control Board. At the conclusion of the arbitration, the panel of three retired judges ordered Respondents to pay their full portion of response costs in the amount of \$2,045,279.40 and an additional \$651,638.81 in prejudgment interest. The panel also found that Claimant was the prevailing party and entitled to attorneys' fees in excess of \$2,000,000.

Accolades and Recognitions

- Member, International Association of Defense Counsel
- Fellow, Litigation Counsel of America's Trial Lawyer Honorary Society
- Named as a "Super Lawyer" by Los Angeles magazine (2007–2019)
- John M. Langston Bar Association of Los Angeles; Legacy of Leadership Award (2016)
- California Lawyer of the Year by California Lawyer magazine (2006)
- Named as one of the "Top 20 Lawyers under 40" by the Daily Journal (2006)
- Included in "Who's Who in Black Los Angeles"

Speaking Engagements and Publications

- Enforcement of Judgments: A Practitioner's Guide to Recovery, ALM Media LLC (July 2016)
- Panelist, Annual Developments in Corporate and Business Law, ABA Business Law Section Meeting (Montreal, April 7, 2016)
- The Ninth Circuit Relies on Reasonable Consumers' Experiences to Dismiss a Cosmetics False Advertising Case, Stay Current (March 29, 2016)
- Speaker, Mounting a Strong Defense to Class Actions Targeting Cosmetics and Personal Care Products, Including Prop 65 Claims & More, ACI's 3rd Annual Legal, Regulatory, and Compliance Forum on Cosmetics & Personal Care (New York, March 7–9)

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- The Safe Cosmetics Act of 2011 (H.R. 2359): Implications for the Cosmetics Industry, Stay Current (May 2012)
- Standing Requirements in California UCL Cases Brought in Federal Court in the Wake of Tobacco II and Kwikset, Stay Current (February 21, 2012; Republished in The Recorder, March 16, 2012)
- Bifurcated Discovery in Class Actions: An Effective Strategy to Prevent the Continuation of the Unmeritorious Lawsuit, Stay Current, (June 27, 2011; Republished in BNA Class Action Litigation Report, Dennis S. Ellis, Sean D. Unger and Katherine F. Murray)
- Retailers in California Face New Scrutiny of Credit Card Transactions in Light of Pineda v. Williams-Sonoma Stores, Inc., 51 Cal. 4th 524, Stay Current (March 2011)
- Kwikset Corp. v. Superior Court Clarifies UCL Standing Requirements, Stay Current (February 2011)
- “A Product Liability Claim By Any Other Name Remains A Product Liability Claim: California Courts Should Not Permit Plaintiffs To Recast A Product Liability Claim In The Terms Of Fraud,” 25 Whittier L. Rev. 441 (2003)

Professional and Community Involvement

- Former General Counsel and Member, Board of Directors, Zeitgeist Community Learning Center, a community-based after school program for students grades three through five, in South Central Los Angeles
- Member, Board of Visitors, Howard University School of Law

Education

- Howard University School of Law, J.D., 1995 (cum laude)
- California State University, Fullerton, B.A., 1990

News

November 17, 2016

Enforcement of Judgments: A Primer on Best Practices and Guidance for Identification and Recovery of Assets

December 06, 2012

Paul Hastings Represents City of Rialto in Favorable Environmental Settlement

June 17, 2008

Paul Hastings Attorneys Recognized as Super Lawyers and Rising Stars in Northern California, Southern California, Georgia, Illinois, New York and

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Washington, D.C.

May 20, 2007

Paul Hastings Attorneys Recognized as Super Lawyers in Southern California, Connecticut, Georgia, New York, San Diego and Washington, D.C.

February 23, 2007

Paul Hastings Attorney Dennis Ellis Receives California Lawyer's Attorney of the Year (CLAY) Award

November 30, 2006

Paul Hastings Wins Motion for Terminating Sanctions in High-Profile International Fraud Case

April 05, 2006

Paul Hastings Obtains \$117 Million Writ of Attachment and Preliminary Injunction on Behalf of New World TMT Limited

Insights

July 15, 2019

This Week in Washington for July 15, 2019

May 13, 2019

This Week in Washington for May 13, 2019

February 04, 2019

This Week in Washington for February 4, 2019

January 07, 2019

This Week in Washington for January 7, 2019

September 10, 2018

This Week in Washington for September 10, 2018

March 28, 2016

The Ninth Circuit Relies on Reasonable Consumers' Experiences to Dismiss a Cosmetics False Advertising Case

August 21, 2013

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No Damages or Injury, No Predominance and No Class

August 20, 2013

Consumer Class Action Update: No Damages or Injury, No Predominance and No Class

January 24, 2013

Expert Testimony Admissibility after Wal-Mart v. Dukes

May 18, 2012

The Safe Cosmetics Act of 2011 (H.R. 2359): Implications for the Cosmetics Industry

February 21, 2012

Standing Requirements in California UCL Cases Brought in Federal Court in the Wake of Tobacco II and Kwikset

August 26, 2011

Bifurcated Discovery in Class Actions: An Effective Strategy To Prevent the Continuation of the Unmeritorious Lawsuit - *BNA - Class Action Litigation Report*

June 27, 2011

Bifurcated Discovery in Class Actions: An Effective Strategy to Prevent the Continuation of the Unmeritorious Lawsuit

March 14, 2011

Retailers in California Face New Scrutiny of Credit Card Transactions in Light of Pineda v. Williams-Sonoma Stores, Inc., 51 Cal. 4th 524 (2011)

February 03, 2011

Kwikset Corp. v. Superior Court Clarifies UCL Standing Requirements

Rankings & Awards

November 27, 2018

Recognized by the International Association of Defense Counsel

February 23, 2007

Recognized with the California Lawyer's Attorney of the Year (CLAY) Award