



PENNY M. COSTA

Of Counsel

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Office: Century City

PRACTICE AREAS

Litigation

Shareholder and Corporate Disputes
Intellectual Property

EDUCATION

J.D., University of California Los Angeles School of Law
Member, Moot Court Honors Program

Member, Order of Barristers M.A.,
Marquette University B.A., Holy Names College

ADMITTED TO PRACTICE

California

U.S. District Courts for the Northern,
Southern, Central and Eastern
Districts of California
U.S. Court of Appeals for the Ninth
Circuit

Penny M. Costa maintains a broad-based litigation practice with an emphasis on business and shareholder disputes, and intellectual property litigation.

» **Representing businesses and industries in high-stakes litigation**

She has represented a variety of businesses and industries in high-stakes litigation, from the distribution of music royalties to the cancellation of stock options and the enforcement of copyright and First Amendment rights. Ms. Costa also counsels clients regarding the protection of their intellectual property, including trademark and copyright issues. Ms. Costa represents clients in state and federal courts, as well as in administrative proceedings and alternative dispute resolution.

» **Appellate successes**

An experienced litigator, she has also handled many appellate matters, successfully briefing and presenting cases before the California Supreme Court and Courts of Appeal, as well as the Ninth Circuit Court of Appeals. In addition, Ms. Costa handles pro bono adoption matters for Alliance for Children's Rights.

» **Honors**

From 2007 through 2019, Ms. Costa has been named to the Southern California Super Lawyers list, a designation bestowed on only the top 5% of lawyers in this region.

Representative Clients and Matters

- » Defended one of the largest web podcasters in the United States in an action alleging copyright infringement arising in connection with the hosting of copyrighted third-party video content on commercial websites.
- » Ongoing prosecution of copyright infringement actions on behalf of the larger of the two American royalty distribution societies.
- » Obtained the dismissal, on demurrer, of claims for breach of contract, conversion, declaratory relief, and an accounting filed by an internationally acclaimed musician-songwriter against client royalty distribution society.
- » Obtained an order, following briefing and oral argument, granting client's petition to stay arbitration in the New York Supreme Court of claims filed with AAA by an assignee and successor-in-interest to music royalty rights.
- » Defended a newspaper publisher in multiple actions alleging defamation, invasion of privacy and emotional distress. The cases were resolved favorably following the filing of anti-Slapp motions, whether by settlement or by judgment entered in the client's favor with an award of attorneys' fees.
- » Prosecuted a multi-count copyright action on behalf of a non-profit corporation that awards Board Certification in internal medicine to physicians. Obtained a default judgment against the infringer as a terminating sanction.
- » Represented the City of Los Angeles and the Office of the City Attorney in an action for retaliation and discrimination by a former deputy city attorney who had been terminated for unprofessional conduct following a Skelly proceeding. Obtained summary judgment on behalf of two high level public officials.

- » Represented financial services firm in an action for breach of contract and negligence arising from the cancellation of its client's stock option grants.
- » Represented a national grocery store chain in implementing settlements of several class action lawsuits alleging wage and hour claims.
- » Represented the general partner in a dispute with limited partners regarding the sale of a regional cable television franchise, the dissolution of the partnership, and the distribution of partnership assets.
- » Counsel corporate clients regarding the protection of their intellectual property, including trademark and copyright issues.
- » Represented pro bono clients in adoption matters for the Alliance for Children's Rights.

Professional & Community Involvement

- » Beverly Hills Bar Association | Member, Entertainment Section
- » California Bar Association | Member, Litigation Section
- » Copyright Society of the United States
- » California Copyright Society
- » International Trademark Association
- » Los Angeles County Bar Association

Presentations & Publications

- » Intellectual Property & Fashion Breakfast Briefing | Show Me The Money! Monetizing Your Intellectual Property | March 6 | March 21, 2018
- » Intellectual Property & Fashion Breakfast Briefing | Supreme Court Tackles Derogatory Marks | Nov 1 | November 9, 2017
- » Intellectual Property & Fashion Breakfast Briefing | How to Buy Prints Without Buying a Lawsuit | June 15 | June 15, 2017
- » Cheerleader Uniform Designs are Protected, the U.S. Supreme Court Rules | March 14, 2017
- » Intellectual Property Breakfast Briefing | Copyright Decisions You Won't Cheer | March 23 | March 9, 2017
- » President Obama Signs the DTSA into Law | May 4, 2016
- » The Defend Trade Secrets Act Compels Employers to Provide Mandatory Immunity Notice | April 6, 2016

Media Coverage

- » Apparel News Features Robert Ezra and Fashion Practice | May 2016