Fisher Broyles

Name: Justin Nahama
Email: justin.nahama@fisherbroyles.com
Direct: (619) 330-5195
Fax: (619) 330-5828
Office: Los Angeles

Practice Areas: Commercial Litigation; Entertainment & Sports; General Corporate; Government; Intellectual Property; Litigation & Risk Mgmt; Litigation – Civil Pretrial and Trial Services; Mediation; Private Investment Funds; TCPA Practice Group; Technology; White Collar Litigation and Investigations

Bar Admissions: California; Massachusetts; U.S. Court of Appeals for the Armed Forces; Judge Advocate General of the Navy

Education: Naval Justice School, Judge Advocate General's Corp Certification, 2009; Boston University School of Law, JD cum laude, 2007; Marist College, BS cum laude, 2004

Experience: Chief Prosecutor, U.S. Marine Corps; Special Assistant United States Attorney, Southern District of California; Mintz Levin; Troutman Sanders

---

Justin is a passionate and highly-accomplished leader, business strategist and attorney. He's an intuitive "fixer" who thinks fast and effectively. Justin forged his practice as a federal prosecutor and Marine JAG after joining the military shortly after 9/11. As a Marine, Justin's leadership, repeated wins in complex trials, creative solutions to high-profile problems, and consistent praise from jurors and judges earned him the role of Chief Prosecutor. As Chief Prosecutor, Justin became a trusted, sought-after advisor to senior military officers to address complex problems where he earned the reputation—according to one of his awards—"as one of the premier litigators in the Marine Corps."

Justin's success and commitment to service continued when he transitioned to one of the largest law firms in the country. During his tenure, Justin broke the mold by quickly rising through the ranks to make partner. He built a unique practice based on his ability to build and lead teams while consistently delivering winning strategies and solutions to seemingly insurmountable challenges. Although a litigator and "fixer" by trade, Justin's advice, creativity and leadership is sought by businesses, entrepreneurs, venture-capital teams and non-profits in the areas of corporate strategy, protecting disruptive technologies, intellectual property, board governance, licensing and contracting.

As one of many examples, Justin has been long-time outside counsel for CrossFit, Inc., helping the CrossFit brand grow from a handful of gyms to a household name with over 15,000 locations in more than 150 countries. Justin led the team engaged to address a complicated web of false data, false advertising and lobbying efforts orchestrated by a competitor to harm CrossFit's brand around the world. Justin's

team received numerous watershed rulings in federal and state court by exposing the playbook on how data and the peer-review process can be manipulated and weaponized to harm a disruptive brand or technology. His writing style, strategies, courtroom advocacy, and cross-examinations resulted in CrossFit receiving over $4.5MM in monetary sanctions and case-ending terminating sanctions in CrossFit's favor. Without hesitation, Justin thrives on standing shoulder to shoulder with the "Davids" of innovation as they navigate the watchful eye and tactics of institutional "Goliaths."

Justin's commitment to creating impact for all extends beyond the board and court rooms. He has received various community awards for his pro bono service to support veteran, Autism and diversity (to include race, gender and LGBTQ+) initiatives. As the father of an impacted child, Justin is committed to making long-lasting change for families with special needs through his advocacy, an Autism-centric technology company he co-founded, and through serving as a board member for Autism Tree Projection Foundation, a non-profit helping thousands of families navigate their Autism journey. To continue supporting veterans, Justin also serves as General Counsel to The Honor Foundation—who has helped over 700 Navy SEALs and special operators successfully transition to their next chapter.

Grateful for his experiences as a Marine JAG and traditional firm partner, Justin is a proud early adopter of a cloud-based practice in San Diego. He believes that, like the SEALs and special operators he supports, a highly-trained, nimble and efficient team is the platform of the future. Justin's experiences and accomplishments as a father, athlete, veteran, advisor and attorney make him an asset to any team.

Representative Transactions

Corporate, Venture Capital and Startups

- Advise data analytics and artificial intelligence companies on human performance and military special-operations analytics.
- Advise various Autism-centric technologies on legal and growth strategies.
- Support startups and VC teams with pitch presentations and due diligence.
- Assist numerous companies and VC firms with strategy relating to regulatory, intellectual property, data privacy, contracts, scaling and employment matters.
- Assist numerous companies and VC firms in convertible note, SAFE and seed financings.

Navigating Conflict & Litigation

- Surgically settled various contractual, technology-related, IP, defamation, shareholder and false advertising disputes.
- Successfully defended CrossFit, Inc., and its Founder, against defamation claims by facilitating a full and voluntary dismissal of all claims after identifying extensive discovery misconduct, recovering over $410,000 in related sanctions, and receiving an order allowing CrossFit to appoint a neutral forensic analyst to evaluate the scope of Plaintiff's discovery misconduct.
- Obtained defense verdict as trial counsel in federal court jury trial involving allegations of fraud, breach of contract, and breach of fiduciary duty, among others. Azco Biotech, Inc. v. Intelligent Bio-Systems, Inc., 12-cv-2599-BEN, U.S. Dist. Ct. (S.D. Cal.). Plaintiff, a former distributor of our

client's next generation sequencing (NGS) machines, filed an 18-count, $100 million complaint against our client in 2012. Following extensive discovery, we persuaded the court to narrow the case to a single breach of contract claim. The jury returned a unanimous verdict in our client's favor.

- Assisted CrossFit, Inc. in various litigation matters including obtaining a Preliminary Injunction requiring a nutritional supplement company to remove certain content and videos related to exercise instruction from its website, YouTube, and social media based on a finding that the company's trademark was likely to cause confusion with the CrossFit trademark.
- Represented Taiwanese creditor in complex civil RICO case against 34 foreign and domestic defendants. Successfully defeated over 30 motions to dismiss, managed millions of pages of written discovery, over 40 depositions on two continents and hundreds of discovery disputes before two court-appointed Special Masters. Defeated summary judgment and in limine motions. Favorably settled case at commencement of trial.
- Defended a real estate advisor and property management company in a lawsuit by 20 property investors alleging fraud, negligence, California Corporations Code violations, UCL (§ 17200), and other claims. Successfully eliminated all but contract claims and obtained early dismissal with prejudice of two defendants.
- Assisted client specializing in veterinary website design with obtaining a $1 million judgment based on trademark infringement, cybersquatting, trade libel, malicious defamation and unfair competition.
- Successfully assisted various clients with trademark disputes, including obtaining transfer of domain names based on trademark infringement and cybersquatting.
- Represented United States Marine Corps Major in connection with an NCIS investigation into his civilian business practice; the investigation was closed and no charges were filed.
- Achieved favorable settlement for Leona Valley Winery in mediation asserting claims for trademark infringement, unfair business practices, interference with business relations, and trade libel.
- As Chief Prosecutor for the U.S. Marine Corps Western Recruiting Region, investigated and successfully prosecuted over 70 military proceedings and trials.
- Served as Special Assistant United States Attorney for the Southern District of California, prosecuting over 100 civilian misdemeanors in Federal Magistrate's Court.

Presentations & Teaching Experience

- Presenter for various Autism series on family advocacy and community inclusion
- Founder, Moderator and Presenter, "Veteran Entrepreneur Series: Starting and Growing Your Business,"
- Panelist, "How to Bridge the Gap between Millennials and Management," Launchbox 360.
- Guest Lecturer on Clinical Assessments in Military Special Operations, Criminal Justice and Business, Bastyr University

Publications

- Co-author, "When the Government Comes Knocking in 2016," Law360, December 21, 2015.