



Neil A. Goteiner

Partner

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Hired by former adversaries, Neil Goteiner develops novel successful theories in financial fraud, international arbitration, antitrust, IP, contract disputes, and consumer claims, often in class actions or agency litigation. For example, in 2019 his antitrust class complaint persuaded FINA, the world governing swimming body, to drop an international boycott of Neil's clients, Olympic swimmers, for their participation in events sponsored by FINA's competitor; the court then denied FINA's motion to dismiss the complaint for damages and permanent injunction. *Shields v. FINA*, 2019 WL 6841159, ___ F.Supp.3d__ (N.D. Cal. 2019). In addition to developing new law, opposing counsel learn quickly that Neil is happy to try cases and why clients, "hire him for his unique hands-on approach and extensive experience as a trial lawyer and strategist," as one arbitrator explained in a 2017 \$6 million fee award after Farella's complete defense of a billion dollar financial fraud claim. One client's GC said after 60+ successful cases and one loss, "hiring him was the best decision I ever made for the company."

Over the past five years, he has also: (1) obtained summary judgment in New York federal court, dismissing an NDA/trade secret claim seeking \$240 million, and recovered legal fees; (2) won complete dismissal of a \$750+ million international arbitration and legal fees, after evidentiary hearing and without his clients testifying; (3) resolved a complicated \$400+ million IRS whistleblower claim for less than two percent of the claim and obtained first impression rulings; (4) settled for only \$150,000 a \$30 million commodities class action brought by a national firm; (5) won a two-and-a-half-year licensing agreement arbitration by limiting to \$25,000 a \$25 million claim brought by a national firm and by obtaining sanctions of \$190,000 for discovery misconduct; (6) settled for \$28,000 a \$22 million overtime class action; (7) won complete dismissal of a class action against a major medical implant manufacturer; (8) settled a class action consumer fraud claim less than one month after filing, with no relief for plaintiff; (9) won both a dismissal of a commodities fraud case after deposing just plaintiffs' expert, whom Neil designated as his adverse expert, and a post dismissal malicious prosecution settlement; (10) won complete dismissal of a defamation and unfair competition complaint, and follow-up malicious prosecution claim, based on deposing only plaintiff; (11) defended a fraud arbitration claim while recovering as sanctions \$650,000; (12) successfully settled a federal securities fraud for a NYSE health care company case after substituting in four months before trial and developing a winning theory missed by the prior two national firms; (13) co-defended Hewlett-Packard in consolidated federal and state securities class and derivative actions arising out of the Autonomy acquisition; and (14) prosecuted international antitrust claims.

While Neil usually is on the defense side in national class actions, he was also lead plaintiffs' counsel representing 20,000 customers of a South Florida telemarketing boiler room closed by the CFTC. The CFTC was unable to obtain any damages from the upstream owners. Neil and his team of three attorneys waged an eight-year battle and a six-month trial in Miami federal district court against seven national law firms. On the eve of jury arguments, defendants paid some \$40 million. Defendants unsuccessfully appealed their own settlement. They claimed that Farella had "coerced" defendants to pay too much because Farella's liability theories were too innovative and its trial strategy was too relentless.

Distinctions

- *The Best Lawyers in America*, Commercial Litigation (2013-2022)
- Northern California Super Lawyers (2011-2018, 2020-2021)

Services

- Antitrust
- Bankruptcy Litigation
- Business Litigation
- Consumer Products + Manufacturing
- Financial Services
- Intellectual Property Litigation
- Internet Law
- Patent Litigation
- Bankruptcy, Restructuring, and Creditors' Rights
- Technology

Education

- Rutgers University (J.D.)
 - Law Review
- Yale University (B.A.)

Bar Admissions

- California

Experience

Bergeron v. Monex Deposit Company et al.

Defended a class action filed in the Central District of California against Monex and related entities and individuals. The suit alleged misrepresentations and omissions in the solicitation and trading of monies used to invest in precious metals, and alleged claims under the Commodities Exchange Act and California consumer protection laws (the Consumer Legal Remedies Act, and 17200). The team simultaneously defended a related, parallel enforcement action filed by the Commodity Futures Trading Commission, raising similar allegations.

Nibler v. Monex Deposit Co. (4th Dist. Court of Appeal 2013)

Obtained reversal of a trial court order denying our client's motion to compel arbitration.

Publications

6/22/2009

Insight Into Assigning Arbitrability

10/2/2008

Ninth Circuit Advantages of Pursuing Claims for Third Party Pre-Bankruptcy