

## Russell F. Sauer, Jr.

Russell F. Sauer, Jr. is a retired partner from the law firm of Latham & Watkins LLP, and former Chair of the Litigation & Trial Department in Los Angeles where he practiced with the firm for nearly 40 years. Mr. Sauer is a litigator and counselor with an extremely diverse practice but with a particular emphasis on sports-related controversies and other complex and high stakes civil litigation.

Mr. Sauer has tried cases to conclusion before both state and federal courts; domestic and international arbitral tribunals including the Court of Arbitration for Sport, the American Arbitration Association and the Judicial Arbitration and Mediation Service; and numerous federal and state agencies including the U.S. National Labor Relations Board and the U.S. Department of Labor. Mr. Sauer has successfully argued appeals before both state and federal appellate courts.

### Profile

Mr. Sauer has extensive experience in the areas of:

- Sports and entertainment litigation
- Shareholder derivative litigation and directors and officers defense
- Insolvency litigation
- White collar criminal matters with civil overtones
- Trade secret and restrictive covenant litigation
- Employment litigation (including wage & hour class actions, wrongful termination, whistle blower and discrimination actions)
- Other areas of general commercial litigation

Mr. Sauer is a member of the Litigation Section of the American and California Bar Associations, a member of the ABA's Sports and Entertainment Forum and

a graduate of the Sports Law Institute.

Mr. Sauer is also a frequent guest lecturer on trial advocacy techniques and sports law at numerous law schools (UCLA Law School, Loyola (Chicago) Law School, Duke Law School and the University of Michigan Law School).

### Sports Litigation and Arbitration Experience – Sport Organizations

During his near 40-year career, Mr. Sauer has successfully represented numerous clients including international and domestic sports organizations, professional leagues and teams, financial institutions, athletes and sports executives in virtually every type of judicial and arbitral proceeding involving the world of sport including, by way of example, the following:

- Representation of international sports organizations and members



Retired Partner, Los Angeles

T +1.818.3176.9055  
E rfsauerlw@gmail.com

### Education

JD, Stanford University Law School, 1980

Chair, Moot Court Board

BA, Northwestern University, 1977

Graduated with distinction

Phi Beta Kappa

McGovern Award for Political Science

### Bar Qualifications

California

Admitted to Practice in multiple federal and state courts (both trial and appellate levels)

### Recognition Highlights

Graduate Sports Law Institute

Named a 2016 MVP for notable legal work in the Sports category by *Law360*

Named as a recommended lawyer for Product Liability and Mass Tort Defense: Consumer Products and Sports Law by *The Legal 500 US 2016*

Appointed Special Master in federal court to supervise civil rights cases brought against LAPD

of their boards and executive committees in connection with internal investigations involving threatened litigation

- Representation of a sports federation in multiple federal court cases challenging the authority of the federation over the professional aspect of its sport, its ability to regulate international matches played in the United States and claims that it is violating the antitrust laws of the United States

## Russell F. Sauer, Jr.

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- Representation of a sports federation in various proceedings before the CAS in connection with the claims of clubs seeking to require the implementation of a system of promotion and relegation in the U.S. and challenging the federation's jurisdiction over and ability to regulate certain types of international competitions played in the U.S.
- Representation of an Olympic organization in federal court in connection with claims by an athlete who was stripped of his Olympic Gold Medal due to an alleged doping violation and prohibited from participating in subsequent events
- Representation of a sports federation in federal court against a player's labor union which was claiming that its collective bargaining agreement had expired and, as a consequence, was threatening to "strike" the then-upcoming Olympic Games
- Representation of a sports federation in a federal court concussion class action brought on behalf of youth participants in the sport
- Representation of a sports federation in arbitration and then in the federal court of appeals in a dispute with a player's association over certain marketing rights under a collective bargaining agreement
- Representation of a sports federation in arbitration brought by an athlete who was dismissed from the national team due to misbehavior
- Representation of a sports federation in arbitration proceedings in which the federation's status as a national governing body is being challenged
- Representation of a content distributor in both state court and in

arbitration in a breach of contract claim brought by a promoter of combat sports

- Representation of a sports league in connection with claims that the league violated the securities and franchise laws in connection with the sale of teams
- Representation of a large financial institution which had invested in a boxing venture against federal and state court claims that it was conspiring to monopolize the sport of professional boxing and/or had breached its fiduciary duties to its investor-shareholders by making the investment

### **Sports Litigation and Arbitration Experience – Athletes and Individuals**

- Representation of National Football League Hall of Fame member in federal court litigation against insurance company over career-ending injury insurance
- Representation of National Basketball Association All-Star in state court litigation involving disputes with business partners
- Representation of National Basketball Association All-Star in connection with state court criminal investigation
- Representation of National Basketball Association executives in connection with claims of sexual harassment
- Representation of multiple world championship boxers in federal and state court cases concerning promotional rights to world championship and other bouts
- Representation of multiple world championship boxers in state court and arbitration proceedings to prevent the misuse of their names and likenesses

### **Sports Counseling**

Similar to his experience in litigation matters, during his nearly 40-year career, Mr. Sauer has advised the full range of participants in both international and domestic sports on virtually every type of sports law related issue. Among other things, Mr. Sauer has:

- Advised international sports organization in connection with claims that members and executives of a sports federation engaged in misconduct
- Advised a sports federation in connection with gender bias claims brought by members of a women's national team
- Advised nascent sports leagues and teams on their formation and form of organization
- Provided advice and counsel to international and domestic sports organizations, leagues and teams in connection with the development of and amendments to their bylaws, policies, procedures and declarations
- Provided general advice to and representation of the boards of directors of various sports organizations
- Advised U.S.-based sports organizations on the advisability/legality of applying international sporting rules and regulations in the United States
- Represented sports organizations in connection with the negotiation of collective bargaining agreements with player associations
- Assisted a sports federation in its bid to host several world championship tournaments
- Assisted a sports federation in negotiations with various

## Russell F. Sauer, Jr.

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international sports organizations in connection with several major international tournaments it had agreed to host

- Provided advice and counsel to national and local organizing committees in connection with the Olympic Games
- Represented sports organizations and their executives in connection with testimony before the United States Senate and less formal meetings with members of the United States Senate on various issues
- Advised institutional investors in connection with their investment in professional sports
- Advised sports organizations and executives in connection with national and international corruption allegations
- Advised athletes and sports executives in connection with their individual contract negotiations
- Represented youth hockey players in disciplinary proceeding before state governing body

### Other Recent Non-Sports Representations

- Lead counsel for plaintiff in federal copyright infringement action where jury awarded client all of defendants' profits from the infringing activity; judgement affirmed on appeal
- Lead defense counsel in 5 ½ month jury trial resulting in complete defense victory in a fraud and breach of contract matter
- Lead counsel (defendant and cross-complainant) in arbitration on claim that client was defrauded into acquiring company; seven figure award achieved

- Represented directors and officers of failed sub-prime lenders, banking, consumer electronics and food processing companies in breach of fiduciary duty actions
- Currently representing premium bottled water company in litigation filed by young singer/actress concerning disputes about her compensation for serving as a brand ambassador
- Represented large real estate developer in litigation in connection with allegations that its development was a partial contributor to the sinking and tilting of a luxury residential high-rise building
- Represented well-known media company in bankruptcy litigation where creditors sought to subordinate hundreds of millions of dollars in debt
- Represented major newspaper and communications company in a wide-array of contested bankruptcy proceedings
- Represented marketing company in various bankruptcy, shareholder derivative and other litigations.
- Represented major wholesale insurance company in several major trade secret/restrictive covenant cases
- Represented international bank as plaintiff in massive real estate fraud litigation
- Represents large ethnic supermarket chain in a variety of matters including wage & hour class actions
- Represented private equity firms in state and federal "pay-to-play" investigations involving the investment of public pension fund monies
- Represented numerous special board committees and boards of

directors in connection with embezzlement and financial misreporting investigations/litigation