



S. Todd Neal, Partner

Practice Areas	Personal Injury Litigation – Plaintiffs Litigation, Corporate and Commercial Trade Secrets
Admissions	California Illinois
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Professional Summary

Todd Neal served as the Team Leader for Procopio’s Litigation Team from 2014-2019. Todd has substantial trial experience and has served as lead trial counsel in more than thirty jury trials tried to verdict. His diverse trial practice has three primary areas of focus: prosecution and defense of corporate and commercial litigation; representation of plaintiffs in serious injury and wrongful death matters; and defense of government investigations including actions brought by government agencies such as the SEC and industry regulatory agencies such as FINRA. In the past seven years Todd has recovered more than \$50,000,000 on behalf of plaintiffs and has been named a Best Lawyer in America in Personal Injury Litigation – Plaintiffs. Additionally, he has successfully defended and prosecuted numerous high value business disputes involving claims of breach of contract, fraud, breach of fiduciary duty, partnership, shareholder, corporate governance and securities matters.

Representative Matters

- 2020: Obtained multi-million dollar partial settlement in wrongful death action on behalf of family of woman killed in accident involving mechanical driveway gate. The claims asserted include strict liability (design defect and failure to warn), negligence and premises liability.
- 2020: Obtained dismissal and stay of class action suit alleging that client’s products were illegally labeled as “dietary supplements” under federal law. The Court’s ruling adopted the defense argument that the claims were precluded by the primary jurisdiction doctrine and by lack of

constitutional standing.

- 2019: Successfully defended real estate developer against allegations of fraudulent transfer and other claims seeking to set aside a \$32 million real estate transaction. Despite filing four Complaints or Amended Complaints the plaintiff did not survive the pleading phase and the case was dismissed. The Court also awarded our client over \$230,000 in attorneys' fees and costs.
- 2019: Prevailed on all claims in international arbitration conducted by AAA resulting in full recovery by our client for claims based on breach of joint venture agreement relating to gold mining operation in Nayarit, Mexico.
- 2018: Obtained settlement exceeding \$8,000,000 in personal injury case.
- 2018: Obtained multi-million dollar confidential settlement in wrongful death case based on strict products liability claim.
- 2017: Represented LLC that was sued for \$10 M after selling commercial building for \$36 M. Claims included breach of contract and various fraud claims. Case resolved without our client paying any amount toward settlement.
- 2017: Obtained \$6,000,000 settlement in wrongful death action on behalf of family of laborer killed in worksite accident.
- 2016: Prevailed on all claims after arbitration of dispute between members of limited liability company that owned and sold commercial office building in downtown San Diego. After a contested arbitration proceeding before the American Arbitration Association, Mr. Neal's clients were awarded 75% ownership and defeated co-members' claim of 50/50 ownership. Mr. Neal's clients also defeated claims of mismanagement and breach of fiduciary duty.
- 2016: Prevailed on motion to dismiss based on the doctrine of forum non conveniens on behalf of international women's shoe manufacturer against claims brought by joint venture partner who sought to bring claims in California alleging breach of contract and violation of intellectual property rights.
- 2016: Obtained multi-million dollar settlement on behalf of international vitamin manufacturer in Trade Libel action, further resulting in the removal of multiple URLs containing defamatory material from Google search results.
- 2015: Obtained \$5,250,000 settlement in wrongful death action.
- 2015: Successfully defended a client sued for \$12,000,000 for fraud, breach of fiduciary and breach of contract. After two weeks of trial, the case settled for 5% of the demand.



- 2014: Successfully defended Taiwanese electronic parts manufacturer against \$30,000,000 fraud and kickback claim brought by national big box retailer. Mr. Neal's client paid nothing on the claims against it and recovered a multi-million dollar breach of contract settlement.
- 2014: Represented a director and member of the Audit Committee of a large publicly traded company specializing in the sale of walnuts. Obtained dismissal of securities fraud action under the Securities Exchange Act. Although SEC charges were filed against the company and certain individuals, Mr. Neal was successful in persuading the SEC not to charge his client.
- 2013: Obtained a \$3,000,000 settlement for a manufacturer's representative working on behalf of a manufacturer providing OEM services to a well-known sporting goods brand. The suit was brought under the Independent Wholesale Sales Representatives Contractual Relations Act.
- 2013: Successfully defended prominent sports agent sued by a former professional football player over his investment losses. The case settled for less than 3% of the amount claimed.
- 2013: Persuaded the SEC not to pursue securities violations charges against Mr. Neal's client, a publicly traded company.
- 2012: Obtained a defense verdict on all causes of action for a client who was sued after investing in certain LLCs created for residential development projects.
- 2012: Obtained a \$5,000,000 settlement on behalf of the adult daughters of a 77 year old woman who died after her car fell from the fourth floor of a parking structure to the street below at a commercial structure in Santa Monica.
- 2012: Successfully represented a medical aesthetics company that was forced to sue its former co-founders due to their attempts to regain control of the company following their receipt of separation payments to step down as directors and officers.
- 2011: Obtained a \$4,200,000 settlement for the family of a homeless man who was killed after a collapse of a pedestrian walkway located on the perimeter of a construction project.
- On behalf of well-known movie director, obtained reversal of conviction for making false statements to the FBI and sentence was vacated. U.S. v. McTiernan 546 F.3d 1160.

Recognitions

- 2019 West Coast Top Rated Lawyers, ALM
- Leaders in Law finalist, *San Diego Business Journal*, 2019



- AmLaw Top Rated Lawyer in Intellectual Property Law, 2018
- *Best Lawyers*[®], San Diego, CA, 2017
- "*The Best Lawyers in America*[®] 2016-Present (Personal Injury Litigation-Plaintiffs, Criminal Defense-White Collar)
- Martindale-Hubbell[®] AV Preeminent Rating
- "Top Lawyers," *San Diego Magazine*, 2014-present
- "San Diego Super Lawyers[®]," *Super Lawyers Magazine*, 2012-2019 (Business Litigation)
- "Best of the Bar," San Diego Business Journal, 2013-2016
- "Top 50 Attorneys in San Diego," *Super Lawyers Magazine*, March 2014
- "Top Attorney," *San Diego Daily Transcript*, 2013

Community

- Board of Directors, Meritas, a Chambers Elite Law Firm Global Network
- Member of Membership Committee of Meritas
- American Trial Lawyers Association
- Association of Business Trial Lawyers
- Rancho Santa Fe Little League Field Club

Education

- JD, University of Illinois at Chicago, John Marshall Law School, 1994
- BA, University of California, Irvine, 1990

News Coverage

- Queen, Jack. "[Suit Over 'Illegal' CBD Products Paused To Await FDA Rules](#)," Law360, May 26, 2020.
- Sistrunk, Jeff. "3 Important Insurance Appeals To Watch In December," Law 360, November 27,



2018.

- Sullivan, Vince. "Inseego Suit Cites Representations Not In Deal, Sellers Say," *Law 360*, November 17, 2017.
- Phillis, Michael. "Ormat Gets OK For Kids' Part Of \$6M Worker Death Deal," *Law 360*, May 12, 2017.
- "Meritas Elects Neal to Board," *The Daily Transcript*, May 1, 2017.
- "Rancho Santa Fe resident Todd Neal elected Head of Litigation Department at Procopio, Cory, Hargreaves & Savitch," *Rancho Santa Fe Review*, March 14, 2014.
- "Q&A With Procopio's Todd Neal," *Law360*, May 2, 2013.

Publications

- "[Fighting Back Against Online Defamation on the Internet: A Case Study](#)," September 6, 2017.
- "The Fourth Amendment and the Exclusionary Rule," *Defending a Federal Criminal Case*.