

Asa W. Markel

Principal, Los Angeles

amarkel@masudafunai.com
310.630.5900

Los Angeles
19191 S. Vermont Avenue
Suite 420
Torrance, CA 90502

Asa Markel, Chair of the firm's Commercial, Competition & Trade practice group, is a dual-qualified U.S. attorney and non-practicing English solicitor. His experience includes civil litigation, including first chair jury and bench trials, appellate argument and arbitrations. Asa's courtroom work ranges from business disputes to professional liability, admiralty and transportation, construction and employment law matters. He also advises foreign and domestic companies regarding their supply contracts, distribution arrangements, customs matters, export regulatory compliance, government contracts and protection of trade secrets.

In his second decade of practice, Asa is a member of the firm's Litigation and Corporate, Finance & Acquisitions groups and Chair of the Commercial, Competition & Trade practice. He also leads the firm's International Trade & Logistics team. Diligent and always prepared, Asa is totally focused on continuously offering his clients strategic options and viable paths to achieving their objectives. Asa knows, from hands-on experience, how contracts and regulations will be enforced, which has given him an edge when negotiating and documenting agreements for his clients. A Super Lawyers "Rising Star," Asa brings diverse experience, practical legal advice and creative solutions to every matter.

Prior to joining the firm, Asa practiced maritime and transportation law in California, where he advised on cargo damage claims, the professional liability of forwarders and customs brokers, marine insurance coverage issues for American, British and Japanese insurers, and international sales contracts. He originally worked for a respected civil litigation law firm in Arizona.

Experience



Education

University of Arizona Rogers College of Law, J.D., 2003
Northern Arizona University, B.A., summa cum laude, 2000

Admissions

California
New York
Arizona
U.S. District Court, Southern District of New York
U.S. Court of International Trade
England & Wales, (non-practicing)
U.S. District Court, Eastern District of New York

Practice Areas

Commercial, Competition & Trade
Litigation
Corporate, Finance & Acquisitions

Languages

English

- Successfully represented a major machine tool importer on prior disclosure to U.S. Customs for \$10 million worth of entries.
- Successfully obtained a discovery order in U.S. district court against a major Silicon Valley consumer technology company on behalf of a publicly listed Japanese company for use in Tokyo District Court litigation.
- Facilitated the set-up of U.S. branch for U.K.-based IT firm.
- Oversaw discovery in multiple states for California litigation involving a major domestic freight carrier.
- Represented a multistate developer of apartment complexes in several commercial and employment disputes.
- Successfully defended a real estate brokerage at trial against negligence claims by a defaulting home seller.
- Represented U.S.-based freight forwarder in a settlement with an international aluminum trader.
- Obtained a summary judgment dispensing with punitive damages claim in an infant wrongful death case for a major commercial landlord in federal district court.
- Obtained a dismissal under head of state immunity doctrine of commercial dispute involving a foreign cabinet minister.
- Successfully reversed a trial judge's discretionary certification of a partial judgment in a \$50 million construction dispute.
- Advised an international steel trader on U.S. Treasury Department's Office of Foreign Assets Control (OFAC) regulations.
- Facilitated a software technology firm's response to a data breach incident, including the preparation of data breach notification letters for compliance with the laws of multiple U.S. jurisdictions.
- Represented a global manufacturer of industrial equipment against a former customer's claims for fraud, negligent misrepresentation, and breaches of implied warranties. The customer filed the case in the U.S. District Court for the Central District of California under California law, even though the parties' terms and conditions stated that the case should be brought in Illinois under Illinois law, in an attempt to avoid the enforcement of certain other contractual provisions in the parties' contract. The case was successfully transferred to the client's home forum in the Northern District of Illinois, which gave the client significant substantive and cost advantage and prevented the customer from avoiding certain contractual provisions. After significantly undercutting the opponent's claims during depositions, obtained favorable settlement consisting of a very small fraction of the amount originally demanded by

the customer.

- Represented a Luxembourg-based defendant in a civil RICO lawsuit involving multiple defendants located in France, Russia, Luxembourg, London, Monaco, and other countries, with the Plaintiff seeking over \$170 million in damages. Obtained an initial dismissal on behalf of its client in the U.S. District Court for the Central District of California, which was then appealed to the Ninth Circuit Court of Appeals and, ultimately, to the United States Supreme Court. After the case was eventually remanded to the district court, swiftly obtained the dismissal of several of Plaintiff's claims against its client, and thereafter, an amicable resolution with all parties and a dismissal with prejudice of the client in the case.
- Obtained a full defense verdict after a month-long trial, defeating a former esports player's \$5 million claims of stock conversion and disadvantageous contracts, with the jury rejecting all allegations and affirming the client's contractual compliance.
- Obtained an award of over \$5.6 million arbitration award against a former executive of a UK-based manufacturer in dispute concerning misappropriation of trade secrets and executive equity rights.
- Secured complete dismissal with costs order in California federal court in favor of national food manufacturer against consumer claim alleging slack fill in product.

Memberships

- American Bar Association
- Foreign Trade Association of Southern California

Distinctions

- Southern California *Super Lawyers* - Rising Star, 2012-2018
- *The Best Lawyers in America*, 2021