



Pamela Naughton

Partner

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Pamela Naughton focuses on government investigations, internal investigations and white-collar defense. She has extensive experience in complex civil enforcement, criminal and administrative cases involving financial fraud, consumer fraud, tax fraud, public integrity and government contracts.

Pamela has more than 35 years' experience as a trial attorney, having represented public officials, corporations, officers and professionals in complex civil, criminal and administrative cases. As first chair, she has tried over 30 jury trials in federal and state court.

- Litigation, Arbitration and Investigations

- Healthcare

GOVERNMENT EXPERIENCE

In 1987, Pamela was the only woman counsel to the United States House of Representatives Select Committee to Investigate Covert Arms Transactions with Iran, where she questioned witnesses at the televised hearings, conducted more than 25 depositions, including those of Attorney General Edwin Meese, former National Security Advisor Robert McFarlane and former Presidential Chief of Staff Donald Regan.

Pamela also served as a counsel to the US House Judiciary Committee 1988-1989 for the impeachment proceedings against Chief Judge Walter Nixon of Mississippi. She examined witnesses at hearings, including Judge Nixon, and made arguments on the history of impeachment and attached legal standards, culminating in the impeachment of Judge Nixon by the US House of Representatives.

As an Assistant United States Attorney Pamela in the Fraud Unit she prosecuted numerous cases involving, bank fraud, insurance fraud and tax fraud. She also co-tried U.S. v. Player, one of the few murder cases tried in federal court in San Diego and the first case in which the battered women syndrome defense was allowed in federal court.

MATTERS IN PRIVATE PRACTICE

- Represented the California Public Utilities Commission and its employee witnesses for four years in investigations by the United States Attorney's Office and the California Attorney General regarding published allegations of undisclosed ex parte communications between Commissioners and utility company representatives. Matter involved the review and production of millions of documents to investigators in response to numerous grand jury subpoenas and search warrants ending with no charges ever being filed.

- Represented the former mayor of San Diego and president of the City Council as witnesses in a securities investigation by the SEC and criminal federal and state cases, and as parties to a civil lawsuit regarding the pension fund. Issues in the SEC case involved interpretation of GASB, amortization of retiree benefits and disclosure of pension underfunding in bond offerings
- Internal investigation on behalf of the Board of Trustees of the San Diego Unified School District regarding allegations against its President of improper fundraising and filing of an allegedly false claim
- Internal investigation of a public research and development company regarding its reported results of clinical studies and scientific data. Represented the Special Committee throughout the SEC and criminal proceedings and civil lawsuits
- Internal investigation by Special Committee of Board of Directors of non-profit mental healthcare government contractor
- Internal investigation on behalf of the Special Committee of the Board of Directors of a startup mobility company
- Internal investigation and governance advice for a large public employee pension fund
- Represented the board of directors of large non-profit healthcare provider regarding billing practices
- Represented the lead investor of a pharmacy in civil investigation regarding billing practices
- A charitable non-profit in a civil investigation by the state Attorney General into specific fundraising methods
- The president of the funding entities of PinnFund, a subprime mortgage company, in an SEC enforcement action alleging a \$300 million Ponzi scheme. Structured a complex settlement with the SEC and class action litigants
- The general counsel for a high-tech company who was held in contempt by a federal judge and referred to the US Attorneys' office for prosecution. After conducting an investigation and depositions, persuaded the prosecutor not to press charges and convinced the judge to withdraw the contempt citation
- A board member and former CEO of a large public company whose personal security was breached
- An executive of a development company accused by a city attorney of improperly lobbying city officials. Won a highly publicized motion to disqualify the city attorney. The court dismissed all charges
- A defense contractor indicted for securities fraud and subjected to debarment. After conducting a complicated investigation, convinced the federal prosecutor to dismiss the indictment prior to motions being filed. The contractor was not debarred. Also defended the contractor in a class action securities fraud lawsuit which ultimately settled at nominal cost
- A large telecommunications company in a class action lawsuit regarding stock options and alleging violations of Section 17200 and common law fraud brought by a large group of former employees. Won a defense ruling on demurrer and the class action was dismissed
- An employee in a US Customs investigation and private lawsuits against a high-technology company which supplies encrypted devices to satellite TV companies. Client was never charged
- A cell phone manufacturer in a series of patent infringement lawsuits demanding tens of millions of dollars in damages
- A television station in numerous lawsuits and in stock purchase transactions. All challenges to ownership were defeated in state court and the FCC and the station successfully sold at a substantial profit
- A demolition company which caused massive fire while dismantling oil storage tanks. Criminal and civil investigations by the District Attorney in Monterrey, CA resulted in no criminal charges and reasonable civil penalty.
- A major medical device manufacturer whose facility in Mexico was harassed by a landlord with links to organized crime. Civil and criminal actions were initiated in Mexico by the landlord against the company and its executives. Devised a strategy to attack the landlord in the US, including obtaining an injunction preventing threats of physical violence. Filed an objection with the FCC to prevent the landlord from receiving radio licenses he held in the US. Prepared a RICO lawsuit and then settled all the matters – north and south of the border – on terms favorable to the client
- An executive in a stock options backdating internal investigation
- A national title insurance company in a class-action 17200 case also alleging violations of the Consumer Legal Remedies Act. After five years of litigation, appeals and discovery, successfully obtained a dismissal on motion for judgment on the pleadings and for summary judgment
- A firm selling securities subjected to a search executed by the FTC and sued in both civil and criminal actions
- An Internet company which published profiles of public companies for investment purposes in an SEC investigation
- A company which manufactured ATM and vending machines in an SEC investigation
- Represented several banks as well as hospitality company in responding to numerous search warrants and subpoenas issued in criminal cases against customers. Established protocols for responding to subpoenas and liaison with federal and state agents.

- Board members of a publicly held corporation in a state securities fraud case
- The CFO of a manufacturing company undergoing IRS examination. Avoided criminal prosecution
- A publicly traded company whose executives had been subjected to threats and public disparagement on Internet bulletin boards. Persuaded the FBI to locate the culprit and stop the threatening and defamatory emails
- The director of facilities for a defense contractor in a DOHA hearing to appeal the denial of a security clearance
- A high technology company in a US Customs investigation of an end-user certificate. Customs declined prosecution
- Employees of a computer chip manufacturer in an anti-dumping investigation by US Customs
- A South American manufacturing client regarding accounts seized by the US government. Negotiated a successful settlement
- A manufacturing and maquiladora client being investigated for bankruptcy fraud. Client was never charged
- A computer exporter in a US Customs investigation. All allegations were dismissed after convincing Customs that computers did not fall into the banned products category under AECA
- A grain company accused by US Customs of mislabeling country of origin. After arguments and briefing, product was approved for import
- A government contractor as a witness in a bribery investigation by the Antitrust Division of the US Department of Justice
- A manufacturer of musical instruments in a seizure action by US Customs. Products returned within days of seizure
- A Division I athletic coach falsely accused by a newspaper of manipulating grades of football players. After proving his innocence in a public press conference, the newspaper was forced to print a retraction
- A large corporation in defense of a Prop. 65 class action alleging contamination of soil from operation and removal of its large manufacturing facility next to the airport. Settled case on very favorable terms
- A large maquiladora company in Mexico indicted for transporting allegedly hazardous waste across the border into the US. Convinced the prosecutor to dismiss the criminal action. The company paid a minimal civil fine and the matter was closed
- National Trial Counsel for four years for a major medical device manufacturer of breast implants. Co-tried a two-month jury trial of a seminal case in California and won total defense verdict. Leader of national team on punitive damages defenses
- A national nutrition company in a class-action lawsuit filed by vegetarians alleging false advertising and Section 17200 violations. Successfully fought certification of the class and the case then settled for a nominal sum
- A production company regarding an alleged assault on the set of a popular television show. Cooperated in the criminal investigation by the District Attorney and settled within policy limits in the civil case

CREDENTIALS

Admissions

- California

Recognitions

- Fellow, Litigation Counsel of America, 2009 – present
- Named a Top Ten Criminal Law Attorney for Client Satisfaction 2015-2016 by the *American Institute of Criminal Law Attorneys*
- Named America's Top 100 Criminal Attorneys, 2020 – 2021
- Named a Top Women Attorney in Southern California, *Los Angeles* magazine - Business Litigation, 2014
- Rated one of the Top Lawyers in litigation, *San Diego* magazine, 2013
- Named a Top Ten Attorney 2006 and 2007 by peer vote, *San Diego Transcript*
- Named a Top Attorney in Business Litigation in California by the *Corporate Counsel* 2008 Edition
- Southern California Super Lawyer, 2007 – 2021
- AV Preeminent rating from Martindale-Hubbell

Education

- J.D., Yale Law School
- B.A., St. Olaf College
summa cum laude, Phi Beta Kappa

Courts

- Supreme Court of the United States
- United States Tax Court
- United States Court of Appeals for the Ninth Circuit

Memberships

- Federal Bar Association - Former President, San Diego Chapter
- Master, Louis Welch Chapter of the American Inns of Court
- Barrister, William B. Enright Chapter of the American Inns of Court
- Ninth Circuit Judicial Conference - Lawyer-Delegate

Media Mentions

- Television Commentator on MSNBC, KPBS and KFMB-TV (1998 – 2002 and 2019 – 2020)

INSIGHTS

Publications

- Author, "ERA: May a State Change Its Vote," *Wayne State University Press*, 1978 Hardcover

Events

- Webinar, "Procurement – Fraud's Backdoor" presented to government procurement officials at conference sponsored by San Diego County Tax Collector
- Webinar, "What to do When the Government Knocks" - Practical steps to take when the company is subject of an investigation, January 2020 and March 2020 for prolaw.com
- Panelist, "Privacy and 4th Amendment in a Digital Age," National Association of Criminal Defense Lawyers, 2016
- "Emerging Issues in Criminal Tax Enforcement," Knowledge Group webinar, 2014
- Panelist, "Restitution," National Association of Criminal Defense Lawyers, 2014
- Panelist, ABA Tax Fraud Conference, 2012
- Presenter, "Life Sciences Boot Camp," American Conference Institute, San Diego, 2010