



JONATHAN G. FETTERLY

Partner

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BIOGRAPHY

Jon Fetterly is an experienced litigator whose practice focuses on First Amendment litigation and commercial disputes. He serves as trial counsel for a national media company fighting in federal trial and appellate courts across the country for the right of the press and public to access court records. He also has experience enforcing statutory public records requests, responding to subpoenas, defending defamation and libel claims, and bringing anti-SLAPP motions.

In addition to his First Amendment and media law practice, Jon has a wide range of commercial litigation experience involving commercial transactions, shareholder disputes, government contracts and retail banking. His financial services litigation practice focuses on bank operations and customer disputes including fraud, unauthorized payments and other issues involving deposit accounts, negotiable instruments and credit products.

Early in his practice, Jon represented the Recording Industry Association of America in connection with the recording industry's nationwide litigation against those who illegally distributed copyrighted sound recordings through file-sharing programs. In this capacity, he successfully prosecuted numerous copyright actions throughout the federal district courts of California.

ADMISSIONS

- California, 2003
- United States Court of Appeals for the Ninth Circuit
United States District Courts for the Central, Eastern, Northern and Southern Districts of California

EDUCATION

University of California, Hastings College of Law, J.D., 2003

California State University, *magna cum laude*, B.A., 2000

RELATED PRACTICE AREAS

- Business & Commercial Disputes
- Business Speech
- Financial Services
- Consumer Finance Disputes
- Enforcement
- Litigation
- Financial Services Corporate & Regulatory Team
- Corporate
- Finance
- Litigation & Dispute Resolution
- Funds Finance
- Workouts & Financial Restructuring
- Wealth Management
- Subchapter S
- Going Private
- Community Banking Litigation
- De Novo Banking
- Bank Transactions & Strategy

- Bank Regulatory Compliance, Operational Support & New Products
- Regulation
- Banking Sector
- Media & First Amendment

EXPERIENCE

- Represented publisher in successful First Amendment challenge to California Superior Court's policy restricting access to newly-filed civil complaints, resulting in permanent injunction prohibiting access restriction. *Courthouse News Serv. v. Planet*, 2016 WL 9711185 (C.D. Cal. 2016), *aff'd* 947 F.3d 581 (9th Cir. 2020).
- Successfully argued appeal affirming trial court order rejecting abstention defense to publisher's First Amendment claim and making key determination on when First Amendment right of access attaches to new civil complaints. *Courthouse News Serv. v. New Mexico AOC*, 53 F.4th 1245 (10th Cir. 2022).
- Secured dismissal of claims brought against foreign national defendants in California state court in connection with foreign transaction by successfully arguing the Act of State doctrine precluded judicial assessment of a foreign government's official acts. *New Peking Buffet, Inc. v. Sheng Li Lin*, No. B258842, 2016 WL 865361, at *1 (Cal. Ct. App. Mar. 7, 2016).
- Secured successful resolution of shareholder dispute on behalf of majority owner of limited liability company facing challenge and removal by minority owners after company secured lucrative utilities contract.
- Represented prominent public figure in connection with successful anti-SLAPP motion in California state court.
- Won summary judgment on behalf of national bank in case involving claims based on alleged wrongful dishonor of checks drawn against deposited funds properly held by bank pursuant to federal regulations.
- Won summary adjudication on behalf of national bank in bookkeeper embezzlement case by successfully invoking statutory claim preclusion under UCC UCC § 4406.
- Successfully moved to dismiss counter-claims asserted against record companies in copyright infringement case arising from use of peer-to-peer file sharing network. *Atlantic Recording Corp. v. Serrano*, 2007 U.S. Dist. LEXIS 95203 (S.D. Cal. 2007).

RELATED INSIGHTS

News

Jul 01, 2021

Courthouse News Team Wins Victory in Fourth Circuit

News

Jul 15, 2020

BCLP Secures String of Victories in Courthouse News Service Challenges to Delays in Court Record Access

News

Jan 23, 2020

Courthouse News Team in 'Law360' on Court Ruling