

Marc R. Greenberg

Counsel

515 South Flower Street Forty-Second Floor, Los Angeles, CA
90071

D 213.430.3355 | **F** 213.430.3409 | **M** 213.215.8887

201 Mission Street, Suite 2310, San Francisco, CA 94105

D 415.617.2400 | **F** 415.617.2409

marc.greenberg@tuckerellis.com



education

Capital University Law School
(J.D.), 1985

The Ohio State University (B.A.),
1982

services

White Collar Criminal Defense &
Corporate Investigations

Business Litigation

Privacy & Data Security

Environmental & Renewable Energy

Maritime

Oil & Gas

eDiscovery

Educational Institutions

Marc Greenberg concentrates his practice on white collar criminal defense, cyber-crime, environmental and workplace safety emergency response, maritime and energy issues, and business litigation.

A former federal prosecutor for the Central District of California, Marc has significant experience handling white collar criminal cases involving public corruption, tax fraud, money laundering, bribery, antitrust, theft of trade secrets, off-label marketing, importation violations, securities fraud, and cyber crime. He has appeared before the Ninth and Third Circuits of the U.S. Court of Appeals as a prosecutor and/or defense lawyer. Clients depend on Marc for his significant experience in the area of regulatory compliance and in supervising internal investigations.

During his tenure with the United States Department of Justice, Marc supervised and prosecuted long-term investigations of international money-laundering, extortion, securities and fraud-related offenses, including a high-profile case that was featured on "60 Minutes," and he was deputized a United States Marshal by the U.S. Attorney General due to security threats arising out of one of his cases. In private practice, he assists corporate and individual clients in addressing criminal and civil matters in connection with state and federal investigations, including alleged violations of antitrust laws, insider trading, the Foreign Corrupt Practices Act, and the UK Bribery Act.

Marc is a nationally recognized speaker on white collar matters, internal investigations, and electronic discovery. He is a frequent author on topics including debarment, over-criminalization, and financial penalties in white collar criminal offenses, as well as environmental, worker safety, and charter school compliance issues.

Marc is also an avid photographer. Examples of his work can be seen at marcgreenberg.smugmug.com.

state admissions

- California (1986)

federal admissions

- United States Court of Appeals, Third Circuit
- United States Court of Appeals, Ninth Circuit
- United States Bankruptcy Court, Northern District of California
- United States District Court, Central District of California
- United States District Court, Eastern District of California
- United States District Court, Southern District of California

experience

- Obtained a favorable resolution for the target of an insurance fraud claim brought by an insurance company wherein the insurance company spent over \$4 million in legal fees; convinced the court to reject the insurance company's claim for recovery of attorney fees
- Obtained a settlement for a client that was the target of both a criminal investigation and civil action, avoiding criminal prosecution and funding the settlement from insurance coverage
- Negotiated a favorable plea agreement for our client in a multi-defendant federal prosecution involving the sale of unlicensed pharmaceuticals
- Negotiated the resolution of a federal criminal prosecution of a maritime environmental case that avoided custody time for our client
- Obtained summary judgment in a multimillion-dollar Medicare Fraud Qui Tam case in federal court in the Central District of California
- Negotiated a favorable settlement with the USDA, National Organic Program, in a dispute concerning the presence of methylene chloride in coffee
- Obtained dismissal of a bank fraud case in federal court in the Central District of California
- Assisted a law firm in responding to an unauthorized intrusion from operatives in China
- Negotiated a favorable settlement of a criminal prosecution following an accidental explosion that resulted in personal injuries and environmental releases
- Negotiated a favorable resolution of criminal charges arising out of an alleged international stock manipulation case in the Central District of California
- Obtained termination of an SEC investigation of a start-up company
- Obtained a dismissal of claims before FINRA after three days of hearing
- Prepared a successful whistleblower complaint with respect to investor fraud
- Obtained a favorable resolution of an OSHA appeal involving a loss of life
- Obtained a favorable resolution of an OSHA appeal involving an explosion that resulted in serious injuries

- Obtained a TRO and a preliminary injunction in a theft of intellectual property case
- Represented an off-shore drilling company during the investigation of environmental compliance issues, oversaw the company's internal investigation, and reviewed and enhanced the company's compliance programs
- Represented the management company of a ship that collided with the Oakland Bay Bridge in a highly publicized accidental oil spill in San Francisco Bay
- Represented a United States oil company in a civil dispute over liability for one of the most significant MTBE groundwater plumes in the country; during a six-week trial, successfully demonstrated that the client was not responsible for the soil and groundwater contamination underlying San Diego's Qualcomm Stadium
- Represented a stock broker in an SEC and DOJ insider trading investigation that resulted in the indictment of a former Los Angeles Angels baseball player
- In a criminal prosecution based in Philadelphia, successfully challenged the government's search warrant and prevailed on a motion to exclude testimony from the government's lead expert witness; successfully defended the court's decision to exclude the expert before the Third Circuit Court of Appeals; the case was later resolved for a nominal fine
- Achieved a favorable resolution for a German shipping interest in a criminal matter in Puerto Rico in cooperation with the government's investigation and the voluntary adoption of an enhanced compliance program
- Obtained a dismissal of all criminal charges in California state court in a matter arising from alleged air pollution from a ship in the Port of Los Angeles
- Represented the plaintiff in an intellectual property theft matter in California state court in which the client's technology was allegedly illegally copied by a prospective purchaser during the due-diligence process review after a deal sheet had been executed; the matter was successfully settled on the eve of trial
- Represented a propane tank manufacturing and distributing company in a dispute in federal court over the profit-sharing arrangement with a subsidiary; successfully excluded plaintiff's expert witness; the court granted judgment in favor of the client the day before jury selection was to begin
- Represented a national gas distribution company in a criminal investigation by the United States Attorney's Office in San Francisco; negotiated a favorable resolution and an Administrative Agreement with the EPA Debarring Official enabling the client to avoid debarment from federal contracts
- Represented a China-based crane manufacturer in two separate product liability actions in California state court; both matters settled favorably after technical expert testimony defending the design
- Assisted a natural gas company during an OSHA investigation of an explosion that occurred during a work-over of a production well; criminal charges were avoided
- Assisted a shore-based natural gas exploration company to avoid criminal charges arising from an investigation of well abandonment procedures undertaken in Bakersfield, California
- Assisted three clients in making voluntary disclosures following internal investigations; avoided criminal charges as a result of the self-reporting and cooperation provided to law enforcement agencies; two cases involved offenses related to environmental violations and one case concerned fraudulent student loans processed by a student financial aid director

- Assisted an offshore drilling company during an investigation of allegations that drilling superintendents were falsifying tests of the blow-out preventer; the DOJ grand jury investigation was discharged by the prosecutor once it was demonstrated that the whistle blower's allegations could not be substantiated
- Represented victims of a tax fraud scheme in both civil and criminal investigations of a tax preparer who filed false and fraudulent returns; as a result of an internal investigation and a voluntary disclosure of the findings, only the tax preparer was charged

publications & events

SPEAKING ENGAGEMENTS

- "Are You Prepared When a Crisis Comes Knocking?", 2020 In-House Counsel Summit Webinar, Tucker Ellis LLP (November 2020)
- "The Legal Implications of BWM Regulation Enforcement," BWMTech North America, Fort Lauderdale, Florida (September 2019)
- Law Firm Cyber Security Summit, Los Angeles, California (February 2018)
- "The Supreme Court Holds that *Apprendi* Applies to Criminal Fines and Strengthens Justice for Corporate Defendants," White Collar Crime Conference

PUBLICATIONS

- "If You Conduct Business on a Transnational Scale, Don't Leave Home Without an Anti-Bribery Compliance Program," *The California International Law Journal*, Vol. 22, No. 1 (Spring/Summer 2014)
- "Southern Union Applies *Apprendi* to Criminal Fines and Strengthens the Corporate Defense's Hand in Plea Negotiations," 27th National Institute on White Collar Crime, American Bar Association (2013)
- "Beware: Debarment Can Prove to be More Damaging than the Criminal Penalty," 25th National Institute on White Collar Crime, American Bar Association (2011)
- "Captain Sully Sullenberger, Charles Dickens, and The Migratory Bird Treaty Act," *Criminal Justice*, Volume 25, Number 1, American Bar Association (2010)
- "How Can You Advise Your Client on the Maximum Possible Fine if You Don't Know Whether or Not *Apprendi* Still Applies to the Alternative Fines Act?", 24th National Institute on White Collar Crime, American Bar Association (2010)
- "The Ohio Abuse and Neglect Statute" (1986)
- "Today's RICO and Your Disappearing Legal Fee," *Capital University Law Journal*, Vol. 15 (1985)

MEDIA

- "Inspire Charter School Sues Parent Corporation Alleging Fraud, Millions of Missing Dollars," *The San Diego Union-Tribune* (September 2020)
- "A San Francisco Native, Woman Owned Business, Files Multi-Million Dollar Claim for Malfeasance by The Port of San Francisco," *IU InvestUSA* (June 2020)
- "Oxford Charter School Settles Lawsuits," *Champion Newspapers* (January 2020)
- "Former Palo Alto Networks Employee Charged With Running Insider Trading Ring," *The Wall Street Journal* (December 2019)
- "Manafort Could Lose Privilege Over Talks With Trump's Team," *Los Angeles Daily Journal* (November 2018)

- "DA Tactical Teams: Justified or Mission Creep?", *Los Angeles Daily Journal* (January 2016)
- "Mr. Fix-It," *California Law Business* (July 2001)

honors

- The National Trial Lawyers: Top 100 (2020)
- Director's Award, United States Department of Justice (1999)
- Prosecutor of the Year Award, International Association of Credit Card Investigators (1997)
- Special Achievement Award, United States Department of Justice (1993)
- Commendation for Leadership, Ohio House of Representative (1982)

in the community

- American Bar Association
 - White Collar Crime Committee, Co-Chair
- American Society of Safety Professionals
- Civilian Review Committee (Use of Force), Long Beach Police Department
- Quarto Partners, Board Member
- Long Beach City Council's Marijuana Dispensary Task Force, Vice Chair
- Long Beach Ronald McDonald House, Founding Member