



LAW360

2017 MVP

Dale Cendali

Kirkland & Ellis LLP's Dale Cendali scored a huge win for British contemporary artist Damien Hirst and his arts-based publishing company this year when a New York federal judge tossed a suit asserting claims of copyright and trade dress infringement and unfair competition, earning her a place among *Law360's* 2017 Media & Entertainment MVPs.

**Notable cases she's worked on this year:**

In the Hirst case, Cendali moved to dismiss the claims brought by Canadian artist Colleen Wolstenholme against Hirst and his company Other Criteria LCC over jewelry inspired by pharmaceutical pills in December 2016, and U.S. District Judge John G. Koeltl, of New York's Southern District, granted the motion, dismissing all of the claims in September.

She said the case "helped further develop the law on the idea-verses-expression dichotomy."

Cendali also represented Fox News Network this year in a copyright battle with media monitoring company TVEyes that's currently on appeal at

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the Second Circuit. After Fox won judgment in its favor and TVEyes was barred from using the media giant's television programming, the company appealed and the Second Circuit heard oral arguments in March.

Cendali also represented video game company Take-Two Interactive Software in a case brought by Solid Oak Sketches LLC "involving the ability to depict people realistically in creative works with their real-life tattoos," Cendali said.

After Take-Two won a dismissal motion in August 2016, it filed counterclaims against Solid Oak, which the judge refused to dismiss. In the latest development, Take-Two filed a motion for judgment on the pleadings in October.

"I have been lucky enough to have dealt with a variety of cases this year that pose interesting questions about the law. ... These cases, I believe, will shape the law and how media

and entertainment companies do business,” Cendali said.

### Her biggest challenge this year:

Fitting in all of her clients’ complex and high-profile matters was Cendali’s biggest challenge, she said.

“I had four federal appellate arguments, a long trial, multiple summary judgment motions and motions to dismiss, key depositions and an unusually high number of preliminary injunction motions,” Cendali said. “It would have been impossible without our amazing team. While I am the one getting this particular honor, we have a big team of partners and associates in multiple offices who are dedicated experts in the field.”

Cendali noted that the team has six other copyright and trademark partners in the New York office.

### What motivates her:

Cendali said genuinely loving what she does is what motivates her in her work.

“I don’t see work as work, but as fun — at least most of the time!” Cendali said.

The media and entertainment pro said she loves the legal issues, as well as the chance to help advance the law through cases and bar work.

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my sensationally talented team at Kirkland who also make it fun to be in the office,” she said. “I love teaching law students at Harvard and doing pro bono work. I feel so blessed to have found a career that so fits my interests and personality.”

Cendali recalled the time when she served as president of the Yale Dramatic Association and was hoping to find a career that would be able to somehow combine her interest in both law and the arts.

“I never dreamed that I would be so lucky to have the kind of practice I do,” she said. “I even get to give back by being on the boards of the American Theatre Wing, which promotes the advancement of the theater and hosts the Tony Awards, and the Comic Book Legal Defense Fund.”

### Her advice for other attorneys:

Cendali would tell attorneys working their way up to show that they have something to offer.

“For me, early on, I had enthusiasm, but no true expertise,” Cendali said. “I acquired some of that expertise by writing lots of articles and giving

speeches and doing bar work, which tended to result in my being staffed on the cases I was interested in. Over time, I was able to demonstrate both my expertise and experience to prospective clients.”

Cendali noted that “one good client tends to lead to another,” adding that she also advises that building a career is “a marathon, not a sprint.”

“If you work steadily at it and set reasonable, practical goals for yourself every quarter, eventually you will be in a great position,” she said. “And be good to others — that is a goal in and of itself, but it also will make people want to help you in turn.”



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