



## Steven B. Weisburd

SHAREHOLDER

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## Overview

Steven Weisburd has extensive experience representing businesses and individuals in federal and state courts in California and across the country, including class actions, business disputes, mass torts, MDLs, product liability, and other complex civil litigation, for clients in the consumer products industry, mass media and entertainment industries, technology industries, and financial services industry. A skilled litigator and legal strategist, Steven has over the past three decades amassed a long track record of winning high-profile cases and derailing high-stakes litigation, including multibillion-dollar disputes, through tactically executed legal arguments and vigorous advocacy. Steven was a partner at Los Angeles' Munger, Tolles & Olson LLP and then Dechert LLP's Austin office, and also served as a law clerk to the Honorable Alfred T. Goodwin of the U.S. Court of Appeals for the Ninth Circuit.

Steven serves as the Los Angeles office managing shareholder.



## Experience

- Lead counsel representing manufacturer of recalled products in product liability and wrongful death litigation pending in coordinated state court proceedings in California and Delaware.
- Representing a leading consumer products manufacturer in putative nationwide and state-specific consumer class actions pending in the Central and Northern Districts of California, the District of New Jersey, and the Eastern District of New York, arising from the allegedly deceptive labeling and marketing of the company's pain relief medications, shampoo and conditioner products, and cosmetics.
- Representing a major pharmaceutical company in business litigation against other businesses arising from alleged breaches of contract in disputes to be litigated in Delaware or arbitrated in California and New York.
- Representing a financial services company in consumer class action litigation pending in California state court arising from the marketing and sale of certain universal life insurance policy products.
- Representing corporate defendants in consumer class action litigation pending in the Central District of California related to travel insurance policies during the COVID-19 pandemic.
- Representing major music festival company in litigation pending in California state court and the U.S. District Court for the Central District of California seeking return of millions of dollars owed under performance contracts with musical acts scheduled to perform at music festival that was prohibited by governmental officials due to the COVID-19 pandemic.
- Representing 3D printer technology and products company in trade secret litigation pending in federal court in Florida.

- Representing manufacturer of shop vac products in connection with consumer class action litigation and related claims pending in federal court in Illinois.
- Represented a leading internet company in consumer class action litigation in the Northern District of California, including cases concerning the allegedly defective nature of smartphone devices, and allegedly false and misleading marketing practices; motions to dismiss granted in multiple cases.
- Represented a provider of cable television services in consumer class action litigation in the Northern District of California concerning allegedly unfair and deceptive trade practices related to its consumer charging practices and bundling of cable television services, as well as in business tort litigation against a competitor cable and telecommunications company.
- Represented leading software company in nationwide consumer class action concerning the allegedly defective nature of the company's software and operating systems that allegedly was uniquely susceptible to hackers and malicious code; motions to dismiss granted and plaintiff chose not to amend complaint.
- Represented leading global insurance company in proceedings related to alleged breaches of certain representations and warranties in \$222 million private equity acquisition agreement.
- Represented major pharmaceutical company, as lead counsel on legal motions and appellate issues, in a federal MDL with more than 10,000 individual cases, as well as related coordinated state court proceedings in Delaware and New Jersey. Successfully argued and drafted *Daubert* and summary judgment motions, and prevailed in the first two sets of bellwether cases in the MDL, in rulings affirmed by the Eleventh Circuit on an appeal Steven argued and briefed. Steven also was on the trial team in New Jersey state court that won a defense jury verdict in the only case in the mass tort litigation that made it to trial.
- Represented award-winning writer/director in connection with dispute over joint venture agreement concerning production and distribution of award-winning film.
- Litigated *In re Tobacco II Cases*, in all California state court proceedings, in the trial court, intermediate court of appeals, and California Supreme Court, and represented multiple parties concerning the meaning and effect of the standing provisions to California's Unfair Competition Law (Bus. & Prof. Code section 17200) and False Advertising Law (Bus. & Prof. Code section 17500).
- National counsel for a leading tobacco company for over a decade in class actions, FDA regulatory matters, and domestic and foreign government cost-reimbursement actions; lead legal strategist in, *inter alia*, defeating class certification in multiple consumer fraud class actions concerning the allegedly deceptive advertising of "light" cigarettes, prevailing in California state coordinated proceedings involving the allegedly deceptive nature of cigarette advertising and marketing practices and the alleged targeting of minors through cigarette advertising, and in a former U.S. territory's multibillion-dollar medical cost-recoupment litigation.

- Represented an ousted member of a multiplatinum rock 'n' roll band in breach of contract and business tort action against the ousting band members, as well as related mediation proceedings; action settled on terms beneficial to client.
- Represented corporations, producers, and artists in the entertainment industry, including record companies, music publishing companies, motion picture studios, television and film producers, and talent agencies, in complex business disputes, breach of contract actions, copyright and trademark litigation, and class action litigation.
- Represented a hospitality company in arbitration proceedings against a construction company and general contractor that misappropriated corporate assets and committed fraud; action settled with admission of wrongdoing and repayment of funds.
- Represented a magazine and its mass media corporate owner defending against a motion picture celebrity's claims for right of publicity, appropriation of name and likeness, and related Lanham Act claims arising from an article that included a famous photograph of the actor from a film that had been digitally altered in a parody editorial work; prevailed on First Amendment grounds in the Ninth Circuit, after trial on the merits.
- Represented a magazine and author in defamation and invasion of privacy action filed by former LAPD detective related to high-profile criminal prosecution of celebrity arising from a magazine article that first disclosed defense theory that the former detective planted evidence to further incriminate the criminal defendant; action dismissed by plaintiff in face of First Amendment-based motion to dismiss.
- Represented leading music publishing company in tort and copyright actions filed by various music performers related to copyrighted works.
- Represented manufacturer of consumer goods in regulatory proceedings and a related series of consumer class actions concerning the allegedly false and misleading advertising of its products as natural or unadulterated.

### **Sample of Representative Published Opinions**

- *Guinn v. AstraZeneca Pharm. LP*, 602 F.3d 1245 (11th Cir. 2010) (affirming defense judgment on *Daubert* and summary judgment motions).
- *Haller v. AstraZeneca Pharm. LP*, 598 F. Supp. 2d 1271 (M.D. Fla. 2009) (granting summary judgment and *Daubert* motions).
- *In re Seroquel Prods. Liab. Litig.*, No. 6:06-md-01769, 2009 WL 618240 (M.D. Fla. Mar. 12, 2009) (same).
- *Scaife v. AstraZeneca LP*, No. 06C-04-218, 2009 WL 1610575 (Del. Super. Ct. June 9, 2009) (same).
- *In re Tobacco Cases II (Daniels)*, 163 P.3d 106 (Cal. 2007) (affirming summary judgment on federal preemption grounds in UCL action based on alleged targeting of cigarette advertising to minors).

- *Mulford v. Altria Grp. Inc.*, 242 F.R.D. 615 (D.N.M. 2007) (denying class certification in lights litigation).
- *Davies v. Philip Morris U.S.A., Inc.*, No. 04-2-08174-2, 2006 WL 1600067 (Wash. Super. Ct. May 26, 2006) (denying class certification in lights cigarettes litigation).
- *Californians for Disability Rights v. Mervyn's, LLC*, 138 P.3d 207 (Cal. 2006) (lead appellate counsel for amici business associations regarding the application of Proposition 64's amendments to UCL standing requirements to pending cases).
- *Hoffman v. Capital Cities/ABC, Inc.*, 255 F.3d 1180 (9th Cir. 2001) (directing entry of defense judgment on First Amendment parody grounds), *rev'g* 33 F. Supp. 2d 867 (C.D. Cal. 1999).

## Areas of Focus

### Practices

- Mass Tort and Product Liability
- Appellate & Trial Support
- Business Transactions
- Cannabis Law
- Cybersecurity and Privacy
- Esports and Electronic Gaming
- Hospitality
- Litigation and Trials
- Media, Entertainment, Music & Sports
- Pharmaceuticals and Medical Devices
- Representations and Warranty Insurance
- Sales Practices – Market Conduct Litigation
- Securities Litigation and Enforcement
- Technology
- Telecommunications
- Telecom: Litigation and Arbitration
- Class Actions

### Industries

- Technology
- Telecommunications

## Insights

03.26.2020

Price Gouging During an Emergency: Coronavirus Edition

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07.18.2019

How Broad Is the Scope of the CCPA's Standing Provision Under Section 1798.150(a)(1)?

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## News

12.18.2023

Steven Weisburd Featured in Los Angeles Times: “Steven B. Weisburd Shares Surging Class Action Statistics”

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10.30.2023

Steven Weisburd Quoted in Los Angeles Business Journal: “Will Swifties Cut Live Nation’s Size?”

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07.24.2023

Steven Weisburd Named to Los Angeles Business Journal’s 2023 Leaders of Influence: Litigators & Trial Attorneys

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06.26.2023

Steven Weisburd Named in LA Times 2023 Legal Visionaries

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06.13.2023

Carlton Fields Attorneys Named 2023 BTI Client Service All-Stars

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05.22.2023

Steven Weisburd Named to Los Angeles Business Journal’s 2023 Top 100 Lawyers

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04.24.2023

Former AGI Digital General Counsel Joan Archer Joins Carlton Fields

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03.07.2023

Steven Weisburd Featured in Los Angeles Business Journal: “Carlton Fields Has New LA Office Lead”

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02.14.2023

Steven Weisburd Elected as Managing Partner of Carlton Fields’ Los Angeles Office

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02.14.2023

Steven Weisburd Interviewed by Law360: “Veteran Litigator Tapped To Lead Carlton Fields' LA Office”

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01.11.2023

Lawsuit Tossed: Death of a Child ‘Not a Continuing Wrong’

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02.14.2020

The Long View: Carlton Fields is a One-Stop Shop for Companies Looking to Capitalize on Growth Markets

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08.31.2018

Carlton Fields Nabs Entertainment Litigator For L.A. Office

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08.29.2018

Top Litigator Steven B. Weisburd Joins Carlton Fields’ Los Angeles Office

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## Recognition

- *The Best Lawyers in America*, Appellate Practice (2024)
- BTI Client Service All-Stars (2023)
- *Chambers USA*, Product Liability & Mass Torts (2023)
- Leaders of Influence: Litigators & Trial Attorneys, *Los Angeles Business Journal* (2023)
- Top 100 Lawyers, *Los Angeles Business Journal* (2023)
- Legal Visionaries, L.A. Times B2B Publishing *Business of Law Magazine* (2023)

## Speaking Engagements

- "Crafting Successful Jurisdiction, Standing, and Preemption Arguments at the Motion to Dismiss Stage," ACI 28th Annual Conference on Drug and Medical Device Litigation, New York, NY (December 6, 2023)
- "Tactics for Combatting 'Non-Traditional' Liability Theories in Drug and Medical Device Product Liability Cases," ACI 27th Annual Conference on Drug and Medical Device Litigation, New York, NY (December 6, 2022)
- "The California Consumer Privacy Act: Getting Up to Speed With the Looming Enforcement Deadline," Carlton Fields (May 21, 2020)

## Credentials

### Education

- University of Cambridge (LL.M., with first class honors, 1994)
- Stanford Law School (J.D., with distinction, 1992)
- University of California, Los Angeles (B.A., magna cum laude, 1988)

### Bar Admissions

- California
- Texas

### Court Admissions

- U.S. Court of Appeals, Ninth Circuit
- U.S. District Court, Central District of California
- U.S. District Court, Eastern District of California
- U.S. District Court, Northern District of California
- U.S. District Court, Southern District of California
- U.S. District Court, District of New Jersey

### Clerkships

- Hon. Alfred T. Goodwin, U.S. Court of Appeals, Ninth Circuit

## Background

- Complex Commercial Litigation Partner, Dechert LLP (2006–2016)
- Munger, Tolles & Olson LLP
  - Litigation Partner (1999–2006)
  - Associate (1994–1998)
- Law Clerk to the Honorable Alfred T. Goodwin, U.S. Court of Appeals for the Ninth Circuit