



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.

Experience

- Representing a major pharmaceutical manufacturer in consumer class action litigation in the Central District of California arising from the allegedly deceptive labeling and advertising of its leading over-the-counter (OTC) pain reliever.
- Representing a leading global insurance company in proceedings related to alleged breaches of certain representations and warranties in \$222 million private equity acquisition agreement.
- Representing award-winning writer/director in connection with dispute over joint venture agreement concerning production and distribution of award-winning film.
- Lead counsel on legal motions and appellate issues for a major pharmaceutical company in a federal MDL with more than 10,000 individual cases, as well as related coordinated state court proceedings in Delaware and New Jersey. Steven successfully argued and drafted *Daubert* and summary judgment motions to prevail 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 a leading internet company in consumer class action

litigation, 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 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.
- 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 leading software company in nationwide consumer class action concerning the allegedly defective nature of the company’s software and operating systems; motions to dismiss granted and plaintiff chose not to amend complaint.
- 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).

All Insights

03.25.2020 Price Gouging During an Emergency: Coronavirus Edition

07.18.2019 How Broad Is the Scope of the CCPA's Standing Provision Under Section 1798.150(a)(1)?

All News

02.14.2020 The Long View: Carlton Fields is a One-Stop Shop for Companies Looking to Capitalize on Growth Markets

08.31.2018 Carlton Fields Nabs Entertainment Litigator For L.A. Office

08.28.2018 Top Litigator Steven B. Weisburd Joins Carlton Fields' Los Angeles Office

Speaking Engagements

- "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)
 - Phi Beta Kappa

COURT ADMISSIONS

- U.S. District Court, Central District of California

CLERKSHIPS

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

BAR ADMISSIONS

- California
- Texas

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

PRACTICES

- Appellate & Trial Support
- Business Transactions
- Cannabis Law
- Class Actions
- Cybersecurity and Privacy
- Esports and Electronic Gaming
- Hospitality
- Litigation and Trials
- Mass Tort and Product Liability
- Media, Entertainment, Music & Sports
- Pharmaceuticals and Medical Devices

- Representations and Warranty Insurance
- Sales Practices – Market Conduct Litigation
- Securities and Derivative Litigation
- Technology
- Telecommunications
- Telecom: Litigation and Arbitration