



Sean R. Crain

Counsel

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Related Services

Litigation ■ Class Action & Multidistrict Litigation ■ Industrials & Manufacturing ■ Food, Beverage & Agribusiness

Sean Crain is counsel in Alston & Bird's Litigation & Trial Practice Group. He is a practical, detail-oriented litigator with experience litigating complex commercial matters in state and federal courts. He represents clients from myriad industries, with an emphasis in the food and beverage, media and sports, and industrial and manufacturing sectors. Sean has defended single plaintiff and putative class action matters, including those implicating state consumer protection statutes and federal regulatory issues. Sean is recognized by *The Best Lawyers of America*® "Ones to Watch" for Commercial Litigation, and has been repeatedly awarded JD Supra's "Readers' Choice Awards" for his insights and commentary on legal issues.

Sean has also litigated cases involving federal securities laws, misappropriation of trade secrets, employment discrimination, and California's Proposition 65. Sean assists clients throughout all phases of litigation, including pre-trial discovery, dispositive motion practice, class certification, trial preparation, trial, post-judgment proceedings, and writs and appeals. He is similarly well-versed in alternative dispute resolution, litigation prevention, and risk management.

During law school, Sean was the senior business editor for the *Tulane Journal of International and Comparative Law* and earned the Dean's Medal for achieving the highest grade point average in his third-year class. He also externed for the late Hon. Stephen J. Hillman, chief magistrate judge emeritus for the U.S. District Court for the Central District of California.

Representative Experience

Class Action Litigation Matters

- Obtained summary judgment in federal court for the world's leading beverage company—mooting the plaintiff's pending motion for class certification—in a putative nationwide class action challenging the labeling of various 100% juice products.
- Achieved a favorable ruling on demurrer, including on preemption grounds, to a putative class action complaint challenging the labeling of a significant coconut water brand's 100% coconut water product.
- Defended the world's leading beverage company (and its subsidiary) in a putative class action alleging violations of state consumer protection statutes premised on FDA regulations concerning the labeling of various juice and smoothie products.
- Obtained dismissal of a putative class action in federal court, which was upheld on appeal by the Ninth Circuit, on the grounds that an excess insurance layer was not triggered in a coverage dispute arising from the alleged breach of fiduciary duty class claims brought against a bankrupt subprime mortgage company's officers and directors.

- Defended a prominent ice cream brand against a putative class action involving “natural” labeling claims.
- Represented the individual directors and officers of an oil and gas company in a securities class action alleging Section 11 and Section 15 claims.

Complex Commercial Litigation Matters

- Second chair in a three-day bench trial of shareholder derivative claims in Los Angeles Superior Court, obtaining a multimillion-dollar award (including attorneys’ fees and treble damages) for the minority shareholder in a closely held medical practice.
- Represented a leading California-based investment fund as a corporate plaintiff in multiple litigations, ultimately obtaining separate judgments in excess of \$30 million against the architect of a Ponzi scheme and his shell entities.
- Achieved a favorable settlement on behalf of a prominent medical practice and its minority shareholder in both derivative and direct lawsuits pending in Los Angeles Superior Court.
- Represented the world’s leading beverage company as a non-party in numerous lawsuits alleging product liability claims from ingestion of energy drinks.
- Member of the litigation team securing a federal jury verdict for the world’s leading beverage company in a landmark advertising dispute over juice labeling and FDA regulations (after the case was remanded for trial to the Central District of California by the U.S. Supreme Court).
- Member of the trial team that obtained a defense verdict for a Fortune 500 client in Los Angeles Superior Court after a five-day jury trial on claims of discrimination and retaliation, then obtained an award of costs against the plaintiff and defeated the motion for a new trial.
- Obtained summary judgment for a Fortune 500 company in a federal lawsuit asserting claims based on alleged civil rights violations.
- Prevailed on a motion for partial summary judgment on behalf of an international transportation company in a fuel contract dispute.
- Obtained dismissal with prejudice at the pleadings stage for a national insurance company in an action alleging interference with contractual relations and violations of California Business & Professions Code Section 17200.
- Defended a leading travel agency against claims arising from the alleged breach of an asset purchase agreement, achieving complete dismissal for waiver of costs on the eve of the plaintiff’s deposition.
- Defeated AAA arbitration claims demanding over \$30 million in damages and secured a seven-figure award on behalf of our client, a leading beverage manufacturer.

Sports, Entertainment, and Media Matters

- Represented a professional soccer ownership group in the sale of its United Soccer League franchise.
- Represented a national restaurant and entertainment business in numerous real estate and construction matters.
- Advised a National Football League team on risk mitigation and liability assessment in community engagements and publicity events.
- Prevailed on a motion to stay pending the outcome of arbitration in a lawsuit alleging putative class claims premised on a purported “secret kickback” scheme for the sale of soft drinks at a National Football League stadium.
- Obtained summary adjudication for an international media network in a lawsuit concerning the interpretation of defense and indemnity obligations arising out of a commercial lease.

Products Liability Matters

- National counsel for a luxury fashion house in lawsuits arising from alleged exposure to asbestos purportedly contained in cosmetic talc products.
- Obtained dismissal in exchange for a waiver of costs after serving the plaintiff with a motion for summary judgment in an asbestos products liability action against an industrial manufacturer client.

Publications & Presentations

Publications

- “The NFL’s New Anthem Policy and Free Speech in the Workplace,” *The National Law Journal*, July 17, 2018.

Professional & Community Engagement

- Dallas Regional Chamber, Young Professionals

Education

- Tulane University (J.D., 2013)
- University of California, Los Angeles (B.A., 2010)

Admitted to Practice

- California
- Texas