

alumni news

SheppardMullin

SUMMER 2019

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STATS AND FACTS

878

Lawyers Globally

15

Offices in
5 Countries

10

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30

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32

Blogs

1,505

Alumni in our network

GREETINGS FROM THE CHAIR

Clients Recognize Sheppard Mullin with Diversity Awards

One of the ways corporate law departments help promote diversity and inclusion (D&I) in their outside law firms is to give annual D&I awards that recognize a law firm’s commitment to D&I and related progress. We are proud that Sheppard Mullin has been recognized by prominent clients over the last five years and been the recipient of several D&I awards:



2019: Starbucks selected us for its “Law & Corporate Affairs 2018 Excellence in Diversity & Inclusion Award,” which recognizes one law firm annually that “demonstrates true leadership in diversity and inclusion.” Partners Sascha Henry (Los Angeles), Rob Guite (San Francisco), Gemma Descoteaux (Dallas), Rachel Tarko Hudson (San Francisco), Greg Hurley (Orange County) and Tracey Kennedy (Los Angeles) were invited to Starbucks’ Seattle headquarters to meet with in-house counsel and accept the award (see the press release [here](#) with more details).



PEPSICO

2018: PepsiCo invited partner Samantha Hardy (San Diego) and several other lawyers to their offices in Purchase, NY as a result of our winning PepsiCo’s “2018 Diversity & Inclusion Law Firm Award” (we also won this award in 2015). PepsiCo stated that “Sheppard Mullin has some of the best diversity and engagement metrics and practices among the firms we surveyed.” When assessing outside counsel, in addition to cost and technical expertise, PepsiCo takes into account the diversity of attorneys who bill on their matters and who receives “relationship” credit.



TOYOTA

2017: Toyota congratulated us on being selected as one of two law firms to be featured at their Law Firm Summit and stated that they read our response “with great interest and found it to be one of the very best we received.” Chairman Guy Halgren and D&I Committee Chair at the time, Dianne Smith (Los Angeles), made a special presentation to Toyota’s general counsel, assistant counsel, managing counsel, and others in their legal department.



2016: Chevron named us as one of two recipients of their Law Function’s “Twelfth Annual Law Firm Diversity Award.” They noted that “this program, started in 2005, recognizes our law firm partners who have distinguished themselves by demonstrating a commitment to advancing diversity and inclusion in the legal profession.” Partners Ray Marshall (San Francisco), Alfred Fraijo Jr. (Los Angeles), Tracey Kennedy (Los Angeles) and Sean O’Connor (Orange County) attended the awards ceremony hosted by Chevron at their offices.



GE Capital

2015: GE Capital selected us as the recipient of the GE “Outside Counsel Diversity Award,” which we also won in 2011. Partner Steve Cardoza (Orange County) noted that “ordinarily, they prefer to share the award with multiple firms. However, they said we were the overwhelming choice for the award again because our diversity efforts were way ahead of their other firms. They were extremely impressed with the fact that these were, as they put it, ‘real initiatives’ designed to make a difference, not just ‘fluff.’”

Client D&I awards are generally determined as the result of an extensive survey of all of their outside law firm providers, and winners are selected after a competitive in-house review of the submissions. These surveys ask for the usual D&I information and a request for the demographics of attorneys working on the client’s matters, along with the corresponding percentage of hours and fees generated by each.

One of the main benefits of having a diverse group of individuals working on matters is higher quality work. Sheppard Mullin is honored to be recognized by our clients for our commitment to diversity and inclusion, and we strive to exceed their expectations every day.



Guy Halgren
Chair
ghalgren@sheppardmullin.com

ALUMNI SPOTLIGHT INTERVIEW: DEBORAH MARTIN



Deborah Martin
Chief Employment Counsel, Sempra Energy
Former Sheppard Mullin Labor & Employment
Partner, SF/Santa Barbara Office

Deborah was an employment associate at Littler Mendelsohn and Hatch & Parent in Santa Barbara before joining Sheppard Mullin’s Santa Barbara office in 2002. She moved to our San Francisco office in 2006, practicing in the firm’s Labor & Employment Group, and made partner in 2008.

Deborah joined Sempra Energy in San Diego in 2010 as Senior Labor and Employment Counsel and was promoted to Chief Employment Counsel in 2013.

Current Roles and Responsibilities

As Sempra’s Chief Employment Counsel, Deborah oversees a team of four employment lawyers, including two who she recruited from Sheppard Mullin. Her duties include managing outside counsel in litigation, dealing with traditional labor issues, and providing advice and counsel to all of Sempra’s operating companies.

Sempra is a NYSE publicly-traded company with more than 23,000 employees and 100 in-house counsel. They operate many different energy and infrastructure companies including

We are delighted to profile former Sheppard Mullin partner Deborah Martin, Chief Employment Counsel of Sempra Energy, located in San Diego, California.

Career Path

Deborah grew up in Fresno, California and graduated from the University of California, San Diego with degrees in Communications and Economics. She obtained her law degree from UC Hastings College of the Law in 1994.

San Diego Gas & Electric, Southern California Gas Company, Sempra LNG & Midstream, Sempra International, Oncor Electric Company (in Texas) and Sempra's Corporate Center. Sempra also has utility companies in Mexico, Chile and Peru. Deborah's employment team handles all labor and employment work for these entities.

Outside Counsel Tips

The best thing that outside counsel can do is to "handle things well and give practical and sensible advice." Excellent client service is also paramount, and Sheppard Mullin stands out in this area, particularly San Diego partner Dave Chidlaw and Los Angeles partner Daniel McQueen, who handle traditional labor and employment litigation matters for Sempra.

Diversity Matters

When asked if diversity really plays a role in outside counsel selection, Deborah emphatically stated that "it definitely does." In San Diego, in-house counsel have a group called the "Community of Counsel" who can select from 20 diverse outside law firms, and they are purposeful about including Diverse Business Enterprises (DBE) in the program. Most single plaintiff litigation goes to the DBE firms. Sempra also asks that the larger majority-owned firms be diverse in staffing and ensure that diverse teams are assigned to their matters.

Career Advice for Young Lawyers

Deborah notes that, while it seems cliché, she believes that the best advice for young associates is to "do good work, learn as much as you can, and be flexible about the kind of work you do. You never know what is going to be the connection that turns into your future."

When Deborah was starting out she never intended to become a big firm employment lawyer, but her first job was with an employment firm and she enjoyed the work, which turned into a life-long career.

How the Firm Prepared Her for Role at Sempra

Although Sempra was a client of Sheppard Mullin, Deborah didn't work for them while with the firm.

She *did* work closely with other large corporate clients and developed a close relationship with in-house counsel as a trusted advisor, acting in a quasi-in-house counsel role. Her being available to answer any question, no matter how mundane or simple it may have seemed, endeared her to her clients and helped to forge trusting relationship. Other partners at Sheppard Mullin recognized that and, ultimately, it led to her in-house position.

Sheppard Mullin Memories

Deborah most misses her colleagues and the camaraderie at the firm, especially with the people of the San Francisco office. Although she now works in San Diego, the only time

she worked in Sheppard Mullin's San Diego office was when she was transitioning to Sempra and worked in both offices part-time. She enjoyed Sheppard Mullin's San Diego culture as well. She notes that "there is no substitute for being able to ask really dumb questions of really smart people."

Life Outside of Work

Deborah jokes that "in-house positions aren't as cushy as everyone thinks." In her limited free time, she likes to hike, snowboard, bike, and enjoy San Diego's beautiful outdoors.

She has throughout her career maintained an active role on professional boards and community non-profits, including the Association of Corporate Counsel - San Diego Chapter where she co-chaired the Pro-Bono Committee, and the non-profit that established the Casa Esperanza Homeless Center in Santa Barbara. She currently serves on the boards of the California Employment Law Council and the San Diego Chapter of the Association of Business Trial Lawyers.



We thank Deborah for taking the time to share her insights with us about her post-Sheppard Mullin career and wish her continued success. We hope that you will also keep in touch with us – and with each other. We'd love to hear from you.

SAVE THE DATE! LOS ANGELES AREA ALUMNI RECEPTION

Join your former Sheppard Mullin colleagues and **Greater Los Angeles Area** alumni for an Attorney Alumni Reunion on **Wednesday, September 25, 2019 from 6:00-8:00 pm**. The reception will be held at the iconic **Hotel Figueroa** in downtown Los Angeles. We look forward to catching up and renewing friendships.

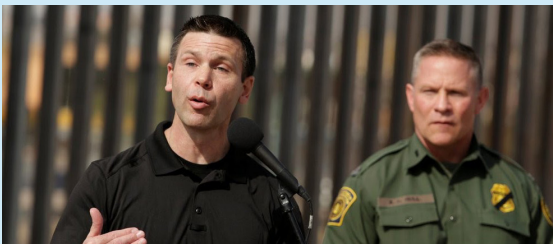
Attorney alumni from the Los Angeles, Century City and Orange County offices are welcome, as are any alumni currently living in the Southland. Be on the lookout for an invitation shortly. If you have any questions, please contact events coordinator Lindsey Jacobson at ljacobson@sheppardmullin.com.



ALUMNI MOVES AND NOTABLE ACHIEVEMENTS

Below are a few recent in-house alumni moves and other notable achievements. Let us know if you've changed jobs so we can feature your move in a future edition.

- **Andrew Alberg** is now Real Estate Corporate Counsel at Amazon in Seattle. He was a Finance & Bankruptcy associate in the Washington DC office from 2017 to 2019.
- **David Cannon** is now Litigation Counsel at Square in San Francisco. He was a Litigation partner in the San Francisco office from 2014 to 2019.
- **Danielle Garcia** is now Senior Legal Counsel, Labor Relations at Waste Management in San Diego. She was a Labor & Employment associate in the San Diego office from 2017 to 2019.
- **Kevin McAleenan**, the current Commissioner of United States Customs and Border Protection, was appointed as the Acting Secretary of the Department of Homeland Security on April 7th by President Trump. Kevin was a Litigation associate in the Los Angeles office from 1998 to 2000.



- **Elizabeth Thompson** is now General Counsel of Villager Goods in Cardiff-by-the-Sea, California. She was a Corporate associate in the Del Mar office from 2013 to 2019.

A reminder that we regularly post in-house job opportunities from clients and friends of the firm on the Sheppard Mullin alumni site under "Career Opportunities." We welcome in-house job postings from you; please send to alumni@sheppardmullin.com.

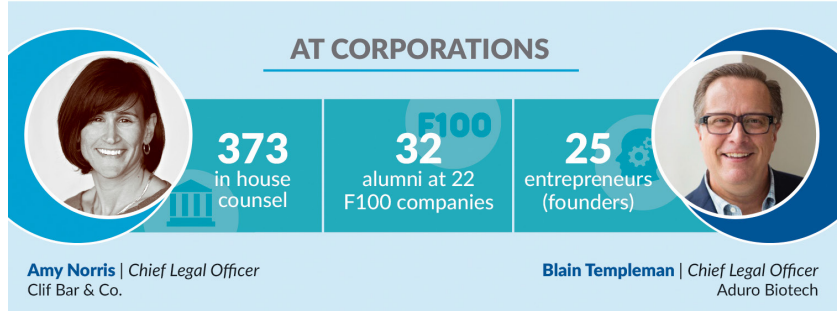
SheppardMullin ALUMNI BY THE NUMBERS



WHO THEY ARE



AT CORPORATIONS



IN PUBLIC SERVICE



WHERE TO FIND THEM



CANNABIS, OUR NEWEST INDUSTRY TEAM

Worldwide legal cannabis spending hit \$12.2 billion in 2018 and is projected to grow 38% to \$16.9 billion in 2019. The growth of the cannabis industry necessitates well-informed, agile legal counsel capable of navigating the maze of federal, state and local laws and regulations governing this emerging, new legal sector. Featuring members from 12 practice groups, Sheppard Mullin's newly-formed Cannabis Team has more than 70 lawyers poised to serve clients, including retailers, processors, growers, investors, and ancillary businesses participating in this booming industry.

Our areas of focus include:

- **Advertising:** Media planning, buying, and analytics; agency and adtech services; endorsements/sponsorships; product placement; licensing; mobile and e-commerce
- **Corporate:** Capital formation activities; partnership and operating agreements; domestic and cross-border financing transactions; initial public offerings; public company filings; banking and finance; commercial contracts
- **Intellectual Property:** Trademarks and patents; licensing agreements
- **Labor & Employment:** Americans with Disabilities Act; National Labor Relations Act; Occupational Safety and Health Administration; employment counseling and agreements
- **Litigation:** Commercial litigation; product liability; Prop. 65 litigation
- **Privacy & Cybersecurity:** Web site and app development; regulatory compliance including GDPR and CCPA; web site terms and conditions; privacy and data security policies; data breach preparation and incident response; privacy counseling for mergers and acquisitions, joint ventures, and strategic alliance formations
- **Real Estate & Facility Construction:** Zoning and land use; licensing and permitting; leasing and landlord/tenant matters; civil forfeiture risk; environmental issues related to disposal of hazardous water and materials
- **Regulatory Compliance:** Pre-market product review and approval strategies; product safety issues; ingredient review; state compliance assistance
- **Tax:** Federal and state planning and advice; IRS Section 280E; tax audits
- **White Collar & Investigations:** Anti-money laundering and accounting controls; investigations and compliance; white paper and risk analysis



We currently have more than 40 active clients in the cannabis industry. Recent experience includes:

- Representing TRIAD CC&M Corp. with a dispute and potential litigation against the City of Costa Mesa concerning the client's application for a conditional use permit;
- Advising the 42nd Group on trademark prosecution of SLIM MAN in Classes 34 and 5, California, and Oregon;
- Assisting TILT Holdings with corporate and securities matters; and
- Representing Cannelure Partners LLC in the financing of cannabis extractor Subline Machining.

Sheppard Mullin's Cannabis Team is led by San Diego partner [Whitney Hodges](#) and Los Angeles associate [Sarah Blitz](#). We are expanding our team and recently added three laterals with cannabis expertise: SF partner Chris Van Gundy, who counsels companies on labeling and regulatory compliance with federal, state and local law for CBD/cannabis products; Washington DC partner Alison Fulton, who has an FDA practice including cannabis advising; and LA special counsel Robert Ahn, who currently serves as the President of the Cannabis Regulation Commission for the City of Los Angeles (appointee of LA Mayor Eric Garcetti).

HELPING CLIENTS SUCCEED

Sheppard Mullin lawyers work on a range of litigation and transactions to help our clients succeed. Here are a few examples of our work during the last quarter.



Amazon Studios – We helped Amazon Studios with more than 30 “first-look” and “overall” deals. A first-look deal is a contractual agreement between Party A (an actor/director/producer/writer, a proven talent with a previous blockbuster) and Party B (a production company, network, or studio), whereby Party B has first rights to consider the project for production and/or distribution by giving financial support during the development period). Recent deals for Amazon Studios include first-look deals with: (a) Michael B. Jordan’s Outlier Society Productions; (b) Heather Rae, the producer behind such films as “Tallulah” and “Frozen River”; and (c) Barry Jenkins’ Pastel production banner. An overall deal, on the other hand, is a contractual agreement between Party A and Party B whereby Party B pays Party A in exchange for Party A’s (typically exclusive) creative services. We helped Amazon Studios with its notable 9-figure overall deal with “Westworld” creators Jonah Nolan and Lisa Joy. Century City partner Bob Darwell led all of these deals.



E·LAND

E-Land Footwear USA – We represented South Korean fashion and retail group E-Land Footwear USA Holdings Inc., the owner of California-based K-Swiss and Supra shoe brands as well as French boot company Palladium, in its acquisition by Chinese sportswear company Xtep International Holdings for \$260 million. Click [here](#) to read the press release. The team was led by partners Ariel Yehezkel (New York) and Seth Kim (Seoul).

EP Power Europe

EP Power Europe – The European Commission recently granted unconditional merger clearance for the acquisition of Uniper France SAS by our client EP Power Europe by way of a share purchase. EP Power Europe is a utility company that encompasses lignite mining, electricity and heat production as well as gas transmission, distribution, storage and supply. The target is active in electricity production both from renewable and conventional sources, gas and electricity retail supply and ash treatment in France. With this transaction, our client can pursue its expansion from its home base in the Czech Republic across Western and Central Europe. The merger filing and related advice on integration planning and gun jumping risks was prepared and led by Brussels partner Robert Klotz.



Harris Ranch Beef Holding Co. – We represented Harris Ranch Beef Holding Company, one of the largest family-owned agribusinesses in the nation and the largest cattle feeder, beef processor and beef marketer in California, in its acquisition by Central Valley Meat Holding Company, a family-owned meat processor, founded in 1993 in Hanford, California. Financial terms of the transaction were not disclosed and both companies will operate independently and retain their respective brands. The deal was led by Los Angeles partners Larry Braun and Zac Turke.



King Fook Jewellery Group – We represented plaintiff King Fook Jewellery Group Ltd. against famous jewelry designer/manufacturer Jacob Arabov (“Jacob the Jeweler”) in a dispute regarding Jacob’s breach of a licensing and sales agreement for Jacob-brand watches in China. Although the parties’ agreement required Jacob to repurchase all unsold inventory upon termination of the parties’ relationship, Jacob refused to honor his obligations, leaving King Fook with millions of dollars of unsold inventory. After succeeding to establish liability on a summary judgment motion, the Court held a bench trial on the issue of damages. In a unique development, the second day of the trial was held in our NY office – with the SDNY at 30 Rock to inspect the inventory at issue in the litigation. Sheppard Mullin proved at trial that King Fook was entitled to more than \$3.2 million in damages, plus attorneys’ fees. New York partner Dan Brown led this matter.



LL Cool J – We won a trademark lawsuit against a concert promoter that infringed our client James Todd Smith’s (aka rapper, entrepreneur, and actor LL Cool J) “Rock the Bells” trademarks. A U.S. District Court for the Central District judge granted our motion for default judgment in the case, finding that defendant, Guerilla Union Inc., failed to respond and had not “otherwise appeared or

participated in this litigation.” The Court approved the performer’s request for injunctive relief, requiring the transfer of the domain name and social media assets using the Rock the Bell trademarks. Mr. Smith alleged in the complaint that Guerilla held a series of concerts featuring hip hop artists under the Rock the Bells mark. Century City partner Jill Pietrini led this matter.



MUSEUM OF
ICE CREAM

Museum of Ice Cream – We obtained a rare dismissal with prejudice of a copyright infringement claim against our client the Museum of Ice Cream (“MOIC”) and its founder, Maryellis Bunn. MOIC has become famous for its interactive “pop-up” art exhibits featuring brightly colored, ice-cream themed rooms. In late 2016, MOIC decided to include a rainbow-themed room in one of its installations. The plaintiff submitted several designs, including one featuring a white unicorn with a gold horn. MOIC did not use these designs, but did proceed with the concept of a white unicorn, which was ubiquitous in popular culture. The designer sued in the Central District of California, alleging that MOIC’s use of a white unicorn with a gold horn infringed its copyright in the design proposal. The Court granted MOIC’s 12(b) (6) motion to dismiss, finding that the plaintiff could not allege that the unicorns shared substantially similar protected elements. Orange County partner Carlo Van den Bosch led this representation.

UPCOMING EVENTS

Below are a few upcoming events the firm is hosting that are open to in-house counsel or HR professionals. To RSVP or for more information about all events including our lawyers’ outside speaking engagements, visit the [Events](#) page on our web site at www.sheppardmullin.com/newsroom-events.html.

2019 Wage and Hour Laws Seminar

Tuesday, August 6, 2019 | 9:00 a.m.– 4:30 p.m.
Embassy Suites Hotel, Arcadia, CA

2019 Employment Discrimination and Employee Relations Laws Seminar

Wednesday, August 7, 2019 | 9:00– 4:30 p.m.
Embassy Suites Hotel, Arcadia, CA

2019 Employee Handbook and Personnel Policies Seminar

Thursday, August 8, 2019 | 9:00 a.m. – 4:30 p.m.
Embassy Suites Hotel, Arcadia, CA

2019 Wage and Hour Laws Seminar

Tuesday, August 13, 2019 | 9:00 a.m. – 4:30 p.m.
Embassy Suites Anaheim, Garden Grove, CA

2019 Employment Discrimination and Employee Relations Laws Seminar

Wednesday, August 14, 2019 | 9:00 a.m. – 4:30 p.m.
Embassy Suites Anaheim, Garden Grove, CA

2019 Employee Handbook and Personnel Policies Seminar

Thursday, August 15, 2019 | 9:00 a.m. – 4:30 p.m.
Embassy Suites Anaheim, Garden Grove, CA

2019 Wage and Hour Laws Seminar

Tuesday, October 2, 2019 | 9:00 a.m. – 4:30 p.m.
Sheraton Gateway Hotel – LAX, Los Angeles, CA

PRO BONO CASE SPOTLIGHT

Sheppard Mullin and DRA Settle Landmark NY Sidewalk Accessibility Case

In March, a federal judge gave preliminary approval to a landmark settlement to make New York City’s sidewalks accessible to people with disabilities. Sheppard Mullin has been working on this case on a pro bono basis since 2014 as co-counsel with Disability Rights Advocates (DRA), one of the leading non-profit disability rights legal centers in the nation. “There is still much to do to make New York City truly accessible for people with disabilities and safe for all, but this is great step forward, and I am very proud of what we have all accomplished,” said Sheppard Mullin lead partner **Dan Brown** (NY), who is also Chair of the firm’s Pro Bono Committee.

The settlement stems from and resolves two separate class action lawsuits: the first suit was filed in 1994, soon after the passage of the Americans with Disabilities Act, on behalf of the United Spinal Association, n/k/a Eastern Paralyzed Veterans Association. Initially resolved in 2002, the City agreed to spend a significant amount of money each year installing curb ramps throughout NYC. In 2014, a new suit was brought by DRA and Sheppard Mullin on behalf of the Center for Independence of the Disabled, New York and several individuals alleging the vast majority of curb ramps in lower Manhattan did not comply with the ADA. [Click here to read DRA’s press release about this important outcome.](#)

CEB AND SHEPPARD MULLIN TEAM UP ON EMPLOYMENT LAW LIBRARY

The Continuing Education of the Bar (CEB) and Sheppard Mullin Los Angeles partner **Richard Simmons** recently formed a partnership known as the OnLAW and Simmons Employment Law Library online reference collection. Richard's publication, *The Wage and Hour Manual for California Employers*, is one of the most comprehensive resources for both in house and outside counsel for employment law in California. Using OnLAW's powerful format, it is now searchable, easily accessed, and linked to cited primary law.

Topics covered include: California and federal wage and hour laws, the FLSA, the Labor Code, the IWC Wage Orders, and Labor Commissioner Policies. It has been cited with approval by courts and the government for its description of the law. To order, visit [here](#).

CONTACT US

For more information about our alumni program, to notify us of a job change, subscribe to a blog, or register for events, contact Alumni Program Manager Michelle O'Driscoll. We look forward to hearing from you and staying in touch.



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We encourage you to follow us on social media to hear the latest developments, from daily blog posts to upcoming events to pro bono news.



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