



## → Whitney Jones Roy

### Partner

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Whitney Jones Roy is a litigation partner in firm's Los Angeles office. Whitney was recognized by *Law360* as a "Female Powerbroker" and by the *Daily Journal* as one of the Top 100 Women Lawyers in California in 2014.

### Areas of Practice

Whitney has experience in all aspects of California and federal civil procedure through trial. She also defends her clients on appeal when necessary.

#### Business Litigation

Whitney specializes in business litigation. Her experience includes representing companies in a variety of business disputes and against claims of fraud, breach of fiduciary duties, breach of contract, and unfair business practices.

Whitney's cases have related to a broad spectrum of industries, including oil companies, financial institutions, insurance, real estate, construction equipment, food and beverage, and retail.

#### Environmental Litigation

Whitney also specializes in complex environmental litigation and related products liability litigation. Her expertise includes the Clean Air Act, CERCLA, RCRA, design defect, failure to warn, negligence, nuisance, and trespass.

#### Proposition 65 Counseling & Litigation

Whitney counsels companies on compliance with California Prop 65 warning obligations and defends her clients when accused of failing to comply.

### Activities

Whitney is the founder of Sheppard Mullin's Los Angeles Women Lawyers Group and a member of the firm's Women's Leadership Council. Whitney also served as the Office Managing Partner for the Los Angeles office of Sheppard Mullin from 2009 to 2017. She is a member of Sheppard Mullin's Recruiting Committee. Each summer, Whitney serves as an instructor and public speaking coach for Sheppard Mullin's Trial Advocacy Program ("TAP") for summer associates.

Whitney oversees the firm's participation in Public Counsel's pro bono Adoptions Project helping parents finalize adoptions in Los Angeles County. She also volunteers her time advocating for special education rights in partnership with The Alliance for Children's Rights.

Whitney also is a member of the Board of Directors for the Los Angeles Regional Food Bank.

## Honors

Recommended Lawyer - Environment, *Legal 500*, 2019

Top Women Lawyers, *Daily Journal*, 2014

Nominee for the 2013 Los Angeles Business Journal "Women Making A Difference" Award

Ms. Roy was selected as the 1999 Champion of the University of Southern California's Hale Moot Court Honors Program and received the honor of Outstanding Oralist at Brooklyn Law School's Jerome Prince Evidence Moot Court Competition in 2000.

## Experience

### Representative Matters

#### Business Litigation

Ms. Roy obtained a complete defense verdict for State Compensation Insurance Fund in the matter *Cumbre, Inc. et al. v. State Compensation Insurance Fund*. The case was filed by several insurance brokers who asserted a variety of novel legal theories including unfair business practices, violation of due process, violation of the duty of fair procedure and breach of contract. Despite the plaintiffs' demand of \$49 million in damages, after a 6 week jury trial in state court, Ms. Roy succeeded in obtaining a complete defense verdict. Ms. Roy then successfully defended the judgment on appeal before the Fourth Appellate District of the State of California and in a subsequent federal court action that was reviewed by the Ninth Circuit Court of Appeals.

Ms. Roy obtained a \$24.7 million fraud judgment for her clients in a 9-day private arbitration in the matter *Bruinbilt v. Persistence Capital, et al.* Ms. Roy's clients were investors who had been defrauded by an elaborate ponzi scheme involving life insurance.

Ms. Roy also prevailed on summary judgment on behalf of client Wynn Oil Company in the Los Angeles Superior Court matter *Miguel, et al v. Wynn Oil Company*. The case involved allegations of fraud, breach of contract, intentional interference with economic advantage, unfair business practices, and misappropriation of trade secrets associated with a 10-year relationship between Wynn Oil and its Brazilian distributor. Ms. Roy successfully defended the judgment on appeal to the Second Appellate District of the State of California.

#### Environmental Litigation

Ms. Roy was counsel for Exxon Mobil Corporation in *City of Merced v. Chevron U.S.A. Inc., et al.*, a 4½-month products liability jury trial in Merced County Superior Court. She obtained dismissal on directed verdict of punitive damages and millions of dollars in claimed compensatory damages, followed by a favorable jury verdict.

Ms. Roy obtained the following significant victories in a series of cases regarding MTBE groundwater contamination and products liability claims pending in a federal multi-district litigation and in California courts:

- Summary judgment on all claims in *City of Fresno v. Exxon Mobil Corporation, et al.*

- Summary judgment on all claims in *City of Merced Redevelopment Agency v. Exxon Mobil Corporation, et al.*
- Summary judgment disposing of most of the claims asserted in *Orange County Water District v. Unocal, et al.* A portion of the case remains in the Southern District of New York while focus sites have been remanded to the Central District of California for trial.

Ms. Roy obtained summary judgment on all claims in *Orange County Water District v. SABIC Innovative Plastics, et al.* The case involved a claim for tens of millions of dollars in purported future damages associated with alleged groundwater contamination in Orange County asserted against approximately 40 property owners and manufacturers.

Ms. Roy obtained summary judgment in *D&H v. Exxon Mobil Corporation*. She argued and successfully defended the judgment on appeal before the Second Appellate District.

## Articles

- Surviving a Pandemic: Dust off the Force Majeure Clause  
*Daily Journal*, 03.19.2020
- Ninth Circuit Holds National Park Service Has the Authority to Regulate Navigable Waters in Alaska's National Parks and Prohibit the Use of Hovercraft (Again)  
Case Law Highlights: Mountain/West Coast  
*American Bar Association: Environmental Litigation and Toxic Torts Committee Newsletter*, 04.2018
- Ninth Circuit Weighs In On Circuit Split Regarding CERCLA Contribution Claims After Settlement and The Statute of Limitation  
Case Law Highlights: Mountain/West Coast  
*American Bar Association: Environmental Litigation and Toxic Torts Committee Newsletter*, 12.2017
- Tenth Circuit Takes Expansive View of the Definition of the Term "Mining," Holding Wind Farm Project Needs Permit Prior to Commencement of Excavation in Tribal Mineral Estate  
Case Law Highlights: Mountain/West Coast  
*American Bar Association: Environmental Litigation and Toxic Torts Committee Newsletter*, 12.2017
- Tenth Circuit Holds Bureau of Land Management Improperly Relied On Unsupported and Irrational Assumption in Analyzing Environmental Impacts of Coal Mining Leases  
Case Law Highlights: Mountain/West Coast  
*American Bar Association: Environmental Litigation and Toxic Torts Committee Newsletter*, 12.2017
- Ninth Circuit Vacates Condition Registration for Nanosilver-containing Pesticide Due to Lack of Evidence That Its Use is in the Public Interest  
Case Law Highlights: Mountain/West Coast  
*American Bar Association: Environmental Litigation and Toxic Torts Committee Newsletter*, 08.2017
- Ninth Circuit Affirms Forest Service's Authority to "Choose Jobs Over Wolves"  
Case Law Highlights: Mountain/West Coast  
*American Bar Association: Environmental Litigation and Toxic Torts Committee Newsletter*, 08.2017
- Oklahoma Court Dismisses Fracking Earthquake Case Due to Court's Lack of Scientific Expertise  
Case Law Highlights: Mountain/West Coast  
*American Bar Association: Environmental Litigation and Toxic Torts Committee Newsletter*, 08.2017

- Tenth Circuit Finds CERCLA Contribution Claim Not Barred by Bankruptcy Approval of a Settlement Estimating Liability for the Site  
Case Law Highlights: Mountain/West Coast  
*American Bar Association: Environmental Litigation and Toxic Torts Committee Newsletter*, 05.2017
- California Court of Appeal Rejects Citizens Group Nuisance Case Regarding Sea Lion Stench  
Case Law Highlights: Mountain/West Coast  
*American Bar Association: Environmental Litigation and Toxic Torts Committee Newsletter*, 05.26.2017
- Ninth Circuit Finds “Threatened” Designation for Bearded Seals Proper Based On New Long-Term Projections;  
Case Law Highlights: Mountain/West Coast  
*American Bar Association: Environmental Litigation and Toxic Torts Committee Newsletter*, 02.2017
- District Court Finds Clean Water Act Lawsuit May Proceed for Discharges to Waterways from Passing Rail Cars  
*American Bar Association: Environmental Litigation and Toxic Torts Committee Newsletter*, 02.2017
- California Court of Appeal Holds Ordinance Regulating Marijuana Dispensaries Not Subject to Environmental Quality Act Review  
*American Bar Association: Environmental Litigation and Toxic Torts Committee Newsletter*, 02.2017
- Ninth Circuit Issues Major CERCLA Decision Finding That Arranger Liability Cannot Be Based on Contamination Deposited on a Site by the Wind  
*American Bar Association: Environmental Litigation and Toxic Torts Committee Newsletter*, 11.2016
- Ninth Circuit Issues Precedential Opinion Restricting the Navy’s Peacetime Use of Sonar  
*American Bar Association: Environmental Litigation and Toxic Torts Committee Newsletter*, 11.2016
- California Supreme Court Affirms Public Entities’ Right to Conduct Environmental Testing on Private Property But Revises Statute to Allow Jury Trial on Damages  
*American Bar Association: Environmental Litigation and Toxic Torts Committee Newsletter*, 11.2016
- Oregon District Court Finds State’s Temporary Ban on Instream Motorized Mining Equipment to Be a Valid State Environmental Regulation and Not Preempted by Federal Law  
*American Bar Association: Environmental Litigation and Toxic Torts Committee Newsletter*, 08.2016
- Case Law Highlights: Mountain/West Coast Colorado Supreme Court Determines Cities’ Fracking Bans Preempted by State Law  
*American Bar Association: Environmental Litigation and Toxic Torts Committee Newsletter*, 08.2016
- California Supreme Court Adopts Sophisticated Intermediary Doctrine for Products Liability Claims  
*American Bar Association: Environmental Litigation and Toxic Torts Committee Newsletter*, 08.2016
- Ninth Circuit Affirms EPA Rejection of Arizona Regional Haze Plan and Implementation of Federal Plan  
*American Bar Association: Section of Environment, Energy, and Resources*, 05.2016
- District Court Limits Damages for Continuing Nuisance Claims to Three Years Preceding Filing of Action in California  
*American Bar Association: Section of Environment, Energy, and Resources*, 05.2016
- California Supreme Court Rejects Expanded Environmental Quality Act Interpretation  
*American Bar Association: Section of Environment, Energy, and Resources*, 05.2016
- Court Grants Default Judgment, Damages, and Attorneys’ Fees Against Waste Dump and Its President  
*American Bar Association: Section of Environment, Energy, and Resources*, 02.2016

- Court Denies Preliminary Injunction to Prevent Implementation of Measures Protecting Sage-Grouse Species  
*American Bar Association: Section of Environment, Energy, and Resources, 02.2016*
- Court Finds No Operator or Arranger Liability Based on Land Ownership in CERCLA Mining Case  
*American Bar Association: Section of Environment, Energy, and Resources, 02.2016*
- Tenth Circuit Holds That the Price-Anderson Act Does Not Preempt State Law Tort Claims  
*American Bar Association: Section of Environment, Energy, and Resources, 10.2015*
- California Agencies Are Required to Mitigate Environmental Effects of Projects Even Where the Legislature Does Not Set Aside Money  
*American Bar Association: Section of Environment, Energy, and Resources, 10.2015*
- Court Rejects Public Nuisance Claim Based Upon Voluntarily Incurred Investigation Costs  
*American Bar Association: Section of Environment, Energy, and Resources, 10.2015*

## Real Estate, Land Use, and Environmental Law Blog Posts

- "Proposition 65: California Clarifies Responsibilities To Warn Amongst Manufacturers, Distributors and Retailers," January 29, 2020
- "Under the Radar Changes to Proposition 65 – OEHHA Issues New "Guidance" For Web Purchases (Is it an Illegal 'Underground Regulation?)," March 8, 2018
- "WARNING: Prop 65 Has Changed – If Your Product Is Sold In California Or You Do Business In California, Pay Attention," January 16, 2018
- "Prop 65 Victory For Defendants – Defendants Are Entitled To Have Their Cases Heard In the County Where the Claim Arose," January 8, 2018
- "Los Angeles Superior Court Issues Important Defense Verdict In Unique Proposition 65 Trial Against Brass-Polish Manufacturer," June 27, 2016
- "President Obama Signs Major Overhaul of TSCA Changing the Way The EPA Regulates Toxic Substances In Commerce," June 22, 2016

## Media Mentions

Top Women Lawyers - Whitney Jones Roy  
*Daily Journal, 05.07.2014*

Female Powerbrokers Q&A: Sheppard Mullin's Whitney Jones Roy  
*Law360, 04.08.2014*

## Speaking Engagements

Moderator, "Is Your Product Legal in California? California's Green Chemistry Laws," 16th Annual Environmental Law Fall Symposium LACBA, November 3, 2017

Speaker, "Woman Leaders: Lessons Learned on the Journey," Central Valley Women's Forum, March 30, 2016

Speaker, "Women in Leadership: How to Position Yourself for a Leadership Role and What to do Once You Get There," hosted by Women Lawyers Association of Los Angeles, April 24, 2014

Panelist, "Inspiring Stories - Paths to Leadership," hosted by the Women of Grant Thornton, June 26, 2013

Panelist, "Women making partner: The balancing act," USC Gould School of Law, April 3, 2013

## Events

Project General Counsel Workshop  
Sheppard Mullin - Los Angeles, 11.14.2019

## Memberships

Member, Los Angeles County Bar Association  
Member, American Bar Association  
Member, Women's Law Association of Los Angeles  
Member, California Women Lawyers  
Member, National Association of Women Lawyers  
Member, Association of Business Trial Lawyers  
Alumnus, Leadership California - Class of 2005

## Practices

Litigation  
Alternative Dispute Resolution  
E-Discovery  
Environmental Litigation  
Proposition 65  
Toxic Tort and Product Liability  
Real Estate and Land Use  
Environmental  
Appellate

## Industries

Aerospace and Defense  
Communications  
Construction  
Energy, Infrastructure and Project Finance  
Financial Services  
Food and Beverage  
Retail

## Education

J.D., **University of Southern California**, 2000,

- 1999 Champion of the USC's Hale Moot Court Honors Program
- 2000 Outstanding Oralist at Brooklyn Law School's Jerome Prince Evidence Moot Court Competition
- Worked for noted Professor Charles Whitebread as a teaching and research assistant
- Staff member for the Southern California Review of Law and Women's Studies

B.A., Political Science, **University of California, Los Angeles**, 1997, *cum laude*

B.A., Sociology, **University of California, Los Angeles**, 1997, *cum laude*

## Clerkships

Prior to working at Sheppard Mullin, Ms. Roy worked for the Honorable Harvey Schneider of the Los Angeles County Superior Court Complex Division as an extern in 1998.

## Admissions

California, 2000

United States District Court for the Central District of California

United States District Court for the Eastern District of California

United States District Court for the Northern District of California

United States Second Circuit Court of Appeals

United States Ninth Circuit Court of Appeals