



→ Valerie E. Alter

Partner

1901 Avenue of the Stars
Suite 1600
Los Angeles, CA 90067

T: +1.310.228.3710

F: +1.310.228.3910

valter@sheppardmullin.com

Valerie Alter is a partner in the Business Trial Practice Group in the firm's Century City office and is certified by the State Bar of California as a Specialist in Appellate Law. She is a co-leader of the firm's Appellate Team.

Areas of Practice

Valerie is a litigator and appellate practitioner who represents and advises clients in:

- **High stakes trusts, estates and fiduciary litigation**, such as trust contests and breach of fiduciary duty matters;
- **Constitutional litigation**, including First Amendment issues;
- **Commercial litigation**, such as contract disputes and class actions; and
- **Intellectual property and media law matters**, such as right of publicity and trademark disputes.

Valerie has drafted and advised on dozens of anti-SLAPP motions and has advocated for and advised her clients in more than 100 appellate matters.

Valerie leverages her broad procedural knowledge, both at the trial and appellate levels, drawing on her experience as a law clerk to the Honorable Sidney R. Thomas of the United States Court of Appeals for the Ninth Circuit. She provides strategic vision and skill managing collaborative, cost-efficient litigation teams to provide positive results for her clients at all levels of litigation.

When she's not practicing law, Valerie is active in her community. She is a five-year member of the board of directors and a coach in her local girls' softball league. She is a volunteer with the Girl Scouts, her local public elementary school and an animal rescue organization.

Honors

Southern California Rising Star, *Super Lawyers*, 2009-2015

Experience

Published Appellate Opinions:

Conservatorship of Tedesco (2023) 91 Cal. App. 5th 285

Abitron Austria GmbH v. Hetronic Int'l, Inc., __ U.S. __ (2023), counsel for amicus curiae European Commission, which filed a brief on behalf of the European Union, and which the Court quoted during oral argument and in the majority and concurring opinions.

White v. Davis, 87 Cal. App. 5th 270 (2023)

R.J. Reynolds Tobacco Co. v. Cnty. of L. A., 29 F.4th 542 (9th Cir. 2022)

White v. Wear, 76 Cal. App. 5th 24 (2022)

Wong v. Wong, 43 Cal. App. 5th 358 (2019)

NEI Contr. & Eng'g, Inc. v. Hanson Aggregates Pac. Sw., Inc., 926 F.3d 528 (9th Cir. 2019)

San Diegans for Open Government v. San Diego State University Research Foundation, et al., 13 Cal. App. 5th 76 (2017)

Andermann v. Sprint Spectrum LP, 785 F. 3d 1157 (7th Cir. 2015)

Representative Experience Terminating In The Trial Court:

- Defeated an application for temporary restraining order and motion for preliminary injunction by plaintiffs seeking to enjoin COVID-19 mitigation protocols in Los Angeles County public schools based on alleged violations of the United States and California Constitutions. Plaintiffs ultimately dismissed the case. *Guilfoyle, et al. v. Beutner, et al.*, 2021 WL 6102512 (C.D. Cal. Aug. 16, 2021); *Guilfoyle, et al. v. Beutner, et al.*, 2021 WL 4594780 (C.D. Cal. Sept. 14, 2021).
- Obtained dismissal of a complaint and a six-figure attorneys' fees award in a dispute between the Pasadena Tournament of Roses Association and the City of Pasadena. *Pasadena Tournament of Roses Ass'n v. City of Pasadena*, 2021 WL 3553499 (C.D. Cal. July 12, 2021).
- Obtained a favorable resolution in a constitutional challenge to the County of Los Angeles's emergency curfew orders enacted in June 2020. *Price v. County of Los Angeles, al.*, 504 F. Supp. 3d 1099 (C.D. Cal. 2020).
- Successfully represented a Japanese entity in connection with claims for breach of contract, fraud, and promissory estoppel arising out of failed negotiations for a Japanese professional baseball contract. *Lutz v. Rakuten, Inc., et al.*, 376 F. Supp. 3d 455 (E.D. Pa. 2019).
- Represented a charitable foundation in connection with a trial related to capacity of donor thereto.
- Represented a trustee in successfully resolving a matter involving a trust contest and claims of elder abuse.
- Obtained a partial summary judgment in favor of an insurer on bad faith and other tort claims.
- Defeated a motion for preliminary injunction, in part on procedural grounds, in a First Amendment case, leading to the successful resolution of *HRDC v. County of Los Angeles*, No. 2:17-cv-04883-R-AS (C.D. Cal. 2017).
- Achieved summary judgment on a trade secret claim. *OFS v. LADWP et al*, No. BC 589967 (LA. Sup. Ct. 2017).
- Advise municipal clients on First Amendment issues.

Representative Trial And Appellate Experience:

- Defeated a motion for preliminary injunction and obtained a favorable judgment in a case challenging the County of Los Angeles's COVID-19 vaccination mandate on constitutional grounds. Obtained a dismissal of the appeal as moot. *Wolfe v. Logan*, 2023 U.S. App. LEXIS 19375 (2023)
- Defeated a motion for preliminary injunction and obtained a favorable judgment in a case seeking to enjoin the County of Los Angeles's ban on flavored tobacco products as unconstitutional. Successfully defended the judgment on appeal. *J. Reynolds Tobacco Co. v. Cnty. of L. A.*, 29 F.4th 542 (9th Cir. 2022).
- Successfully defended on appeal probate orders regarding representation of a conservatee and the right to bring litigation on his behalf. *Conservatorship of the Estate of Tedesco*, 2019 Cal. App. Unpub. LEXIS 6244 (2019); *Tedesco v. White*, 2019 Cal. App. Unpub. LEXIS 6248 (2019).
- Obtained affirmance of an order decertifying a class based on lack of standing. *NEI Contr. & Eng'g, Inc. v. Hanson Aggregates Pac. Sw., Inc.*, 926 F.3d 528 (9th Cir. 2019). Similarly obtained affirmance of denial of the plaintiff's request for attorneys' fees in the same case. *NEI Contr. & Eng'g, Inc. v. Hanson Aggregates Pac. Sw., Inc.*, 771 Fed. Appx. 451 (9th Cir. 2019).
- Successfully represented a media client in connection with an anti-SLAPP motion involving unsuccessful allegations of self-dealing in violation of California Government Code section 1090. *San Diegans for Open Government v. San Diego State University Research Foundation, et al.*, 13 Cal. App. 5th 76 (2017), *petition for review dismissed* (2019).
- Won summary judgement and prevailed on appeal in a contest of the trust of Douglas Tompkins, founder of The North Face and Esprit apparel companies. The judgment preserved hundreds of millions of dollars for the creation and expansion of national parks in Chile and Argentina. *Walker v. Ryker et al.*, 2018 Cal. App. Unpub. LEXIS 6664 (CA Ct. App. 2018).
- Defeated privacy claims brought against a media client arising from a broadcast and prevailed on appeal. *S. v. Scripps Media, Inc.*, 2017 Cal. App. Unpub. LEXIS 2971 (CA Ct. App. 2017).
- Compelled arbitration in a putative class action and later prevailed on appeal. *Andermann v. Sprint Spectrum LP*, 785 F. 3d 1157 (7th Cir. 2015).
- Secured summary judgment on trademark and unfair competition claims and prevailed on appeal. *Webceleb, Inc. v. Proctor & Gamble, Co. et al.*, 554 Fed. Appx. 606 (9th Cir. 2014).
- Obtained affirmance of an order denying a motion for preliminary injunction that sought to enjoin the broadcast of a television show. *Arenas v. Shed Media US, Inc.*, 462 Fed. Appx. 709 (9th Cir. 2011).
- Achieved a total victory for an entertainment client in which a lower court had granted in part and denied in part an anti-SLAPP motion. *Cammarata v. Bright Imperial*, 2011 Cal. App. Unpub. LEXIS 665 (Cal. Ct. App. 2011). Obtained affirmance of the award of attorneys' fees. *Cammarata v. Bright Imperial*, 2011 Cal. App. Unpub. LEXIS 3221 (Cal. Ct. App. 2011).
- Filed a petition for review resulting in the rejection of an arbitrary and capricious action by a federal government agency.
- Successfully represented a trustee on appeal of a trial court's denial of an anti-SLAPP motion in connection with a breach of trust case.
- Represented the petitioners in trial court and on appeal in connection with contested orders in a conservatorship case.

- Obtained writ relief in connection with the erroneous denial of a motion for summary judgment in a qui tam case.

Articles

- Ninth Circuit Fumbles the Ball In Videogame Likeness Cases
BNA Insights, 09.10.2013
- Can Intentional or Knowingly Reckless Misuse of Copyrighted Material Be Considered "Fair Use?"
Communications Lawyer, Volume 26, Number 3, 07.2009
- Fair Use And The Right Of Publicity: A Search For A More Balanced Approach
Media Law Resource Center, 12.2008
- It's Not Just Make-Believe Anymore
Media, Privacy and Defamation Law Committee Newsletter, Fall 2008

Corporate & Securities Law Blog Posts

- "California Court of Appeal Holds that SEC Filings May Be Protected Activities Under Anti-SLAPP Statute,"
January 14, 2022

Media Mentions

T.I. Tells Jury 'Anyone With Eyes' Can See MGA's IP Theft
Law360, 09.06.2024

MGA's O.M.G. Dolls Imitated Girl Group's Looks, Member Says
Law360, 09.05.2024

'I Was Blown Away': Tiny Harris Says MGA Stole Group's Look
Law360, 09.04.2024

3rd Trial In T.I.'s IP Fight With MGA Kicks Off In Calif.
Law360, 09.03.2024

Litigation Leaders: Sheppard Mullin's Robert Friedman on Splitting Leadership of the Business Trial Group Three Ways
ALM, 08.03.2023

Justices refuse to hear appeal to LA County's flavored tobacco ban
Daily Journal, 03.01.2023

Litigator of the Week Runner-Up and Shout Outs
The American Lawyer, 01.13.2023

Events

Nuts and Bolts of California Appeals
Webinar
01.10.2023

Practices

Litigation
Appellate
Private Wealth and Fiduciary Litigation
Appellate
Class Action Defense

Education

J.D., Stanford Law School, 2005, *Order of the Coif*, Editor-In Chief and Articles Editor, *Stanford Technology Law Review*
B.A., University of North Carolina at Chapel Hill, 2002, *highest honors*, *Phi Beta Kappa*, Morehead Scholar

Clerkships

Law clerk to the Honorable Sidney R. Thomas, 9th Circuit Court of Appeals

Admissions

California
United States Supreme Court
U.S. District Court, Eastern District of California
U.S. District Court, Central District of California
U.S. District Court, Northern District of California
U.S. District Court, Southern District of California
U.S. Court of Appeals for the Seventh Circuit
U.S. Court of Appeals for the Ninth Circuit
U.S. Court of Appeals for the Federal Circuit

Languages

Spanish