



→ Whitney Jones Roy

Partner

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Whitney Jones Roy is a litigation partner in the firm's Los Angeles office. With more than two decades of complex trial experience in state and federal courts across California, she works closely with her clients to understand their business and minimize the impacts of litigation. She is adept at early case resolution strategies, but if a case does go to trial, is a dedicated advocate for her clients in the courtroom. When called on, she also defends her clients on appeal. Whitney represents clients across a broad spectrum of industries, including oil companies, energy, financial institutions, insurance, real estate, construction equipment, food and beverage, consumer goods, and retail.

Whitney was recognized by *Law360* as a "Female Powerbroker," recognized among the Top Women Attorneys in Los Angeles in 2020 by the *Los Angeles Business Journal*, and named one of the top 100 Women Lawyers in California by the *Daily Journal* in 2014.

Areas of Practice

Business Litigation: Whitney represents companies in business disputes and against claims of fraud, breach of fiduciary duties, breach of contract, interference, and unfair business practices. She also has extensive experience with corporate director disputes, partnership disputes, corporate and partnership dissolutions, and successor liability.

Complex Environmental and Related Products Liability Litigation: Whitney's expertise includes the Clean Air Act, the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), California Hazardous Substances Account Act (HSAA), the Resource Conservation and Recovery Act (RCRA), design defect, failure to warn, negligence, nuisance, and trespass. Her environmental and tort litigation experience includes dozens of products liability actions in California state and federal district courts and multi-district litigation proceedings in the Southern District of New York. She has also has experience with odor/nuisance class actions.

California Proposition 65 Counseling & Litigation: Whitney counsels companies on compliance with 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. 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.

Whitney has served on the Board of Governors for the Association of Business Trial Lawyers since 2022.

Whitney served on the Board of Directors for the Los Angeles Regional Food Bank from 2013-2022 and served as the Chair of the Board of Directors from December 2019-December 2022. Whitney now serves on the Emeritus Council. During her service as Board Chair, Whitney received the Dennis Winston Leadership Award.

Honors

Dennis Winston Memorial Leadership Award recipient, Los Angeles Regional Food Bank, 2022

Recognized for Environmental Litigation, *Best Lawyers*, 2021-2024

LA500 Top Women Lawyers in Los Angeles, *Los Angeles Business Journal*, 2020

Recommended Lawyer - Environment Litigation, *Legal 500*, 2019-2023

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

Whitney 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.

Whitney 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.

Whitney 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

In 2021-2022, Whitney defended Soco West, Inc., and Brenntag Pacific, Inc., in a 13-month Zoom bench trial in Orange County Superior Court in *Orange County Water District v. Sabic Innovative Plastics US, LLC, et al.*, a cost recovery lawsuit under the Orange County Water District Act, the Hazardous Substances Account Act (California Superfund), and several common law tort theories. At the conclusion of trial, the court awarded less than the amount of other settlements, which offset the award.

Whitney 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.

Whitney was also counsel for Exxon Mobil Corporation and ExxonMobil Oil Corporation in the matter in *Orange County Water District v. Unocal, et al.* She handled all aspects of litigation while the matter was pending in a federal multi-district litigation court in the Southern District of New York and sat as first-chair for Exxon during the trial when the case was remanded to the Central District of California for trial and obtained a favorable settlement for her client during trial.

Whitney obtained a number of other 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.*

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

Corporate and Securities Law Blog

- "Frustration of Purpose – Do I Have a Defense?," March 17, 2020
- "The Impact of Coronavirus on Supply Chain" March 4, 2020

Real Estate, Land Use, and Environmental Law Blog

- "PFAS in Food Packaging: The Beginning of the End?" March 12, 2024
- "Proposition 65: 2023 in Review," January 30, 2024
- "The Intersection of Prop 65 and Free Speech: A Recent Win for Businesses," November 14, 2023
- "Get Your Prop 65 House in Order for the New Year," January 9, 2023
- "California's Newly Adopted "Safe Harbor" Warning Label for Acrylamide In Foods Turns Up the Heat In Ongoing First Amendment Challenge to Proposition 65," December 13, 2022
- "Up In Smoke – CA Court of Appeal Dismisses Prop 65 Case Against Water Pipe Manufacturer Narrowly Construing The Term "Expose";" November 8, 2022
- "New Proposed Regulation Provides More Guidance and Some Relief on Prop 65 Warning Requirements for Heat Processed Foods and Acrylamide," September 8, 2020
- "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, "Courageous Counsel," Project GC Los Angeles, June 15, 2023

Moderator, "Gaining Trust in the C-Suite and with the Board," Project GC Los Angeles, November 14, 2019

Moderator, "Managing Cyber Risk: Teaming with Your Outside Counsel," Project 20/35 Women's In-House Counsel Leadership Institute, September 25, 2018

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

MCLE Triple Play

One Afternoon, Three Credits: Fast-Track Your MCLE Completion

Sheppard Mullin, 333 S Hope St, Los Angeles, CA 90071-1422, United States, 01.25.2024

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

Podcasts & Webinars

Nota Bene Episode 76: The Impact of COVID-19 on Force Majeure Clauses in Business Contracts with Whitney Roy
04.08.2020

03.18.20 We Will Get Through This. Together
03.18.2020

Practices

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

Industries

Aerospace & Defense
Energy, Infrastructure and Project Finance
ESG and Sustainability
Financial Services
Food and Beverage
Government Business
Retail, Fashion & Beauty

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

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