



Sean D Unger

Partner, Litigation Department
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Sean D. Unger is a partner in the Litigation practice of Paul Hastings and is based in the firm's San Francisco office.

Mr. Unger represents and advises clients in mass torts, class actions, antitrust and competition matters, trade secret cases, and intellectual property disputes in State and Federal courts around the country. His practice emphasizes appellate litigation. He has briefed or argued cases in numerous state and federal courts of appeal. He has represented both parties and amicus before the United States and California Supreme Courts. Mr. Unger has also represented clients in need of post-trial disaster mitigation. He has successfully brought post-trial motions for new trial and motions for judgment as a matter of law, reducing or eliminating multi-million dollar judgments.

Clients have included a broad range of companies, including Andersen Windows, Samsung, Gallo Wineries, GE, LG Display, Babcock & Wilcox, and Quanta Computers.

Recent Representations

Appellate and Post-Trial Representations

Mr. Unger serves as a firm resource on questions of appellate and federal jurisdiction. Recent appellate and post-trial representations include:

- Representing a defendant in a Price Anderson Act case before the Third Circuit;
- Representing a video game company before the California Court of Appeal;
- Representing an OEM to eliminate 90% of a verdict in a multi-million dollar patent dispute;
- Representing a manufacturer in a case before the U.S. Supreme Court;
- Representing a manufacturer of windows to defend denial of class certification before the California Court of Appeal.

Consumer Class Action and Competition Representations

San Francisco

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Practice Areas

Litigation
Appellate Litigation
Internet of Things
Complex Litigation and Arbitration
Class Actions
Antitrust and Competition

Admissions

California Bar

Education

Harvard Law School, J.D. 2003
University of California, Berkeley, B.A. 2000

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Mr. Unger's recent representations in high-exposure consumer class actions and antitrust disputes include:

- Representing a manufacturer in successfully opposing class certification in a consumer dispute;
- Representing a components manufacturer in antitrust MDL proceedings, including successfully briefing various summary judgment motions; and
- Representing a lender in negotiating and implementing class settlement in suit challenging debt-collection practices.

Accolades and Recognitions

External Recognition

- Selected to the list of Northern California Rising Stars by Super Lawyers Magazine in 2013-2018.

Speaking Engagements and Publications

- Co-author with Stephen B. Kinnaird, Robert Sherman, Igor V. Timofeyev, and Lisa Leung, Supreme Court Opinion on Preclusive Effect of TTAB's Registration Decisions Has Important Implications for Trademark Owners, Bloomberg BNA: The United States Law Week (April 14, 2015)
- Co-author with Katharine F. Murray and Scott M. Klausner, Ninth Circuit Comes Around on CAFA, Law 360, (April 14, 2015)
- Co-author with John P. Phillips and Kelly Winslow, Ninth Circuit Will Clarify Process Service for International Corporations, Law 350 (April 14, 2015)
- Co-author with Danielle C. Doremus and Stephen B. Kinnaird, Peeling the Onion: Appellate Lawyers' Take on Disparate Cases, Bloomberg BNA: The United States Law Week (March 3, 2015)
- Co-author with John P. Phillips and Christopher M. Mooney, Class Actions and the Ninth Circuit: Different Consumer Contracts Defeat Predominance, Bloomberg BNA: Class Action Litigation Report (March 14, 2014)
- Co-author with Stephen B. Kinnaird, Charles A. Patrizia, Igor Timofeyev, and Ian A. Herbert, Supreme Court in Daimler AG v. Bauman Limits General Jurisdiction Over Foreign Companies, ABA Section of Public Utility, Communications and Transportation Law, Vol. 53, No. 3 (Spring 2014)
- Co-author with Stephen B. Kinnaird, Charles A. Patrizia, Igor Timofeyev, and Danielle C. Doremus, High Court Continues To Restrict Personal Jurisdiction, Law 360 (March 5, 2014)
- Co-author John P. Phillips and Sophie J. Sung, Courts Continue To Accentuate the Ascertainable Class, Law 360 (February 20, 2014)
- Co-author with John P. Phillips and Jose de Wit, Ninth Circuit Clarifies Scope

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- of Rule 26 Expert Discovery, Law 360 (February 19, 2014)
- Co-author with Thomas A. Counts, Grace A. Carter, and Angela J. Markle, Settling With Named Plaintiffs in Federal Class Actions: Does Timing Matter?, Bloomberg BNA: Class Action Litigation Report (November 8, 2013)
- Co-author with Stephen B. Kinnaird and Danielle C. Doremus, An Appellate Lawyer's Role in a Trial, Bloomberg BNA: The United States Law Week (May 28, 2013)
- Co-author with Grace A. Carter and Angela J. Markle, Emerging Trends in Class Action Settlements in the Ninth Circuit, Bloomberg BNA: Class Action Litigation Report (January 1, 2013)
- Co-author with Dennis S. Ellis and Katherine F. Murray, Bifurcated Discovery in Class Actions, Bloomberg BNA: Class Action Litigation Report (August 26, 2011)
- Co-author with John P. Phillips, Clemens v. Daimler – The Ninth Circuit Addresses a New Twist in the law of Cross-Jurisdictional Tolling, Mealey's Litigation Report: Class Actions (August 7, 2008)
- Co-author with Ned N. Isokawa and Katharine Chao, Speeding Things Along, Los Angeles Daily Journal (June 2, 2008)
- Co-author with John A. Reding, Jay C. Gahndi, Edward Han, and Jason K. Sonoda, The Rise and Fall of the U.S. Capital Markets: The Potential Impact of Recent Developments on U.S. and Foreign Securities Laws, Bloomberg Law Reports: Securities Law (February 4, 2008)
- Co-author with John A. Reding and Edward Han, Court Weighs Whether Mergers Wipe Out Derivative Actions, San Francisco Daily Journal (April 6, 2006)
- Judge Arnold's Four Rules: A Model for a Life in the Law, 27 U. ARK. LITTLE ROCK L. REV. 387 (Spring, 2005)

Professional and Community Involvement

- Serves as an advisory board member of the East Bay Community Law Center and is a former board member of AIDS Legal Referral Panel;
- Active member of the Ninth Circuit's pro bono program, having successfully briefed and argued cases having to do with issues ranging from constitutional law to immigration disputes; and
- Authored numerous briefs to the United States Supreme Court in conjunction with the Firm's commitment to the University of Pennsylvania's Supreme Court Clinic.

Education

Mr. Unger received a B.A. degree, Phi Beta Kappa, from the University of

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California, Berkeley. He received a J.D. from Harvard Law School.

Prior Legal Experience

- Served as a law clerk to the Honorable Richard S. Arnold of the United States Court of Appeals for the Eighth Circuit and the Honorable Boyce F. Martin, Jr. of the United States Court of Appeals for the Sixth Circuit; and
- Served as an adjunct professor of law at University of Arkansas, Little Rock, William H. Bowen School of Law.

News

January 07, 2013

Paul Hastings Represents LG Display in Series of Successful Motions for Summary Judgment Narrowing Plaintiffs Claims

Insights

May 26, 2016

Spokeo and Article III Standing: You May Be Particularized But Are You Concrete?

December 21, 2015

The Supreme Court Again Extends the Preemptive Effect of the Federal Arbitration Act

August 10, 2015

California Supreme Court Enforces Arbitration Provision in Form Consumer Contract

April 15, 2015

Supreme Court Opinion on Preclusive Effect of TTAB's Registration Decisions Has Important Implications for Trademark Owners

April 02, 2015

Have I Been Served? The Ninth Circuit Agrees to Clarify Process of Service for International Entities in *USA v. The Public Warehousing Company, KSC*

March 03, 2015

Peeling the Onion: Appellate Lawyers' Take on Disparate Cases

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July 01, 2014

POM Wonderful LLC v. Coca Cola Company: Have the Tides Turned in the Legal Food Fight?

March 17, 2014

Class Actions and the Ninth Circuit: Different Consumer Contracts Defeat Predominance

March 04, 2014

Minimum Contacts Inquiry Cannot Be Minimal: U.S. Supreme Court Rejects Broad Reading of the Effects Test for Personal Jurisdiction

February 21, 2014

Courts Continue To Accentuate The Ascertainable Class

February 12, 2014

The Ninth Circuit Offers Guidance on the Scope of Rule 26 Expert Discovery

January 21, 2014

Recent Supreme Court Decision Limits the General Jurisdiction of U.S. Courts Over Foreign and Out-Of-State Corporations

November 08, 2013

Settling With Named Plaintiffs in Federal Class Actions: Does Timing Matter?

May 28, 2013

An Appellate Lawyer's Role in a Trial

December 06, 2012

Emerging Trends in Class Action Settlements in the Ninth Circuit

February 21, 2012

Standing Requirements in California UCL Cases Brought in Federal Court in the Wake of Tobacco II and Kwikset

August 26, 2011

Bifurcated Discovery in Class Actions: An Effective Strategy To Prevent the Continuation of the Unmeritorious Lawsuit - *BNA - Class Action Litigation Report*

June 27, 2011

Bifurcated Discovery in Class Actions: An Effective Strategy to Prevent the

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Continuation of the Unmeritorious Lawsuit

March 14, 2011

Retailers in California Face New Scrutiny of Credit Card Transactions in Light of Pineda v. Williams-Sonoma Stores, Inc., 51 Cal. 4th 524 (2011)

February 03, 2011

Kwikset Corp. v. Superior Court Clarifies UCL Standing Requirements

June 22, 2009

Limiting Tobacco II? The Ninth Circuit Holds That Plaintiffs Must Identify Specific Advertisements to Allege False Advertising Claims in Federal Court

June 01, 2009

Recent Consumer Law Developments at the California Supreme Court: What Ever Happened to Prop. 64 and What Will Consumer Class Actions Look Like in the Future?

October 02, 2008

Significant Business Cases Slated for Decision in the Supreme Court Term

September 24, 2008

Clemens v. DaimlerChrysler – The Ninth Circuit Addresses A New Twist In The Law Of Cross-Jurisdictional Tolling

July 02, 2008

Speeding Things Along. By Ned N. Isokawa, Katharine Chao and Sean D. Unger. *Daily Journal*. June 2, 2008.

April 06, 2006

Court Weighs Whether Mergers Wipe Out Derivative Actions. By John A. Reding, Edward Han and Sean D. Unger. *Daily Journal*. April 6, 2006.

November 15, 2004

Proposition 64: Its Impact on 17200 Cases and Why It Should Apply Retroactively