

## Steven D. Allison

Partner

Orange County

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Steven represents clients in trials, arbitrations, and appeals with respect to complex business, class action, insurance coverage, health care, intellectual property, product liability, and real estate matters, among others.

### OVERVIEW

Steve is a trial and class action attorney who has represented clients in trials, arbitrations, and appeals in a number of industries. Steve has handled the defense of significant nationwide consumer class actions for clients in the financial services, insurance, telecommunications/technology, retail, consumer products, and entertainment industries. In these class actions, Steve has successfully defended claims of unfair competition, false advertising, violation of the Telephone Consumer Protection Act, violation of numerous state consumer protection statutes, and product liability.

Steve also has deep experience in insurance coverage and bad faith matters. He has represented insurers in matters asserting coverage and bad faith for mass tort, environmental, professional liability, and construction defect claims seeking hundreds of millions of dollars in insurance coverage. Additionally, Steve has brought affirmative claims on behalf of insurers to determine proper allocation and contribution for long-tail exposures.

His insurance experience also includes representation of health care insurers, plans, and administrators. Steve has defended contract, bad faith, other state law and ERISA claims against those defendants, and has successfully asserted an array of preemption-based defenses to those claims. Steve's advocacy in this area has included multiple jury trials and the handling of successful appeals.

Steve's practice further includes intellectual property and technology litigation relating to trademark, copyright, trade dress, trade secret, and right of publicity claims, as well as licensing disputes. He has handled these claims for clients in the entertainment, new media, publishing, technology, and retail/consumer products industries.

Finally, Steve has handled a wide variety of complex business disputes. In this area, he has particular experience in handling claims related to real estate development and leasing.

### REPRESENTATIVE MATTERS

#### Class Actions

- Representing a bank based in Hawaii in defense of a class action alleging violation of the TCPA based on texts

sent through text banking system.

- Representing a financial services company in defense of a class action alleging violation of the Telephone Consumer Protection Act (TCPA) based on calls to alleged reassigned numbers.
- Representing a regional bank based in the south/midwest in defense of a class action alleging violation of the TCPA based on text alerts sent to alleged reassigned numbers.
- Represented an insurance company in a class action alleging that use of insurer-appointed defense counsel under a flat fee arrangement violated California law and professional responsibility rules.
- Represented an insurance company in a representative/class action alleging violation of California consumer protection statutes based on alleged misrepresentations in the marketing and terms of employment practices liability policies.
- Represented a national eyewear retailers in two consumer class actions alleging violation of California consumer protection statutes based on a complex California regulatory scheme, as well as false advertising claims.
- Represented a mattress manufacturer in a consumer class action alleging violations of California consumer protection and warranty statutes based on alleged terms and application of express product warranties.
- Represented an air conditioner manufacturer in a statewide class action in Nevada alleging product defects in air conditioning units installed in more than 60,000 homes throughout the state.
- Represented a major hotel management company in the successful defense of a class action alleging violation of the TCPA based on alleged marketing calls to cellphones.
- Represented several cellphone content providers in defending eight nationwide consumer class actions alleging violations of the TCPA and various state consumer protection laws based on unauthorized charges. Also represented these companies in responding to various state attorney general inquiries.
- Represented a telecommunications/technology company in the successful defense of a consumer class action alleging violation of the TCPA. The case settled favorably on an individual basis after defeat of the plaintiff's motion for class certification.
- Represented a telecommunications/technology company in the defense of a consumer class action alleging violation of Washington consumer protection statutes based on alleged unauthorized text messages and charges to cellphone customers.
- Represented a sports accessory company, and its officers and directors, in the defense of 22 class actions filed in four states alleging false advertising and violation of state consumer protection statutes.
- Represented athlete endorsers of a consumer product in a class action alleging false advertising and violation of state consumer protection statutes based on their product endorsement.
- Obtained a dismissal prior to class certification of three separate class actions alleging false advertising and unfair competition against Southern California's largest mattress retailer and a national mattress manufacturer.

## **Insurance Coverage Litigation**

- Defending an insurer in a lawsuit seeking coverage and bad faith damages for environmental cleanup costs, stemming from its consent agreements with state environmental agencies, and in a water district's parallel lawsuit relating to industrial site in Orange County, CA.
- Defending an insurer in lawsuit seeking coverage and bad faith damages for environmental cleanup costs stemming from regional water board investigation and parallel lawsuit brought by homeowners relating to residential site in Torrance, CA.
- Defending an insurer in lawsuit seeking coverage for environmental cleanup costs stemming from regional water board investigation and the city's parallel lawsuit relating to industrial site in Torrance, CA.
- Defended an insurer in a lawsuit seeking coverage and bad faith damages relating to underlying construction defect/product liability resulting from the failure of a rooftop parking deck at a shopping center in Honolulu, HI.
- After a bench trial obtained a verdict that independent counsel was not required in an administrative proceeding related to the cleanup of an environmental site.

- Obtained a favorable settlement for an insurer, following the granting of summary judgment motions, in defending a lawsuit seeking coverage and bad faith damages for environmental cleanup costs stemming from a consent agreement with a Nevada state agency.

## Health Care Litigation

- *ABC Services Group, Inc. v. Health Net of California, Inc., et. al.*, 8:19-cv-00243-DOC (C.D. Cal. June 13, 2022) – Obtained dismissal with prejudice of litigation against Anthem Blue Cross Life and Health Insurance Company, Anthem, Inc., Beacon Health Options, Inc., Beacon Health Strategies, LLC, ValueOptions Federal Services, Inc., and ValueOptions of California, Inc. The plaintiff sought to recover claims on behalf of a closed substance abuse treatment facility. The litigation was initially filed as individual lawsuits in state and federal court against 36 defendants, asserting state law and ERISA claims. The litigation was consolidated in the U.S. District Court for the Central District of California, which granted the defendants' motion to dismiss the plaintiff's first amended complaint. On appeal, the Ninth Circuit Court of Appeals affirmed the dismissal of the state law claims and remanded the ERISA claims to the district court, which dismissed the remaining ERISA claims for lack of standing and failure to cite specific plans and plan terms.
- Defending a health insurance plan against ERISA claims brought by emergency services group seeking millions of dollars in alleged unreimbursed emergency room charges.
- Defending a health insurance plan against breach of contract, ERISA, and related state law claims based on more than \$60 million of alleged unreimbursed charges incurred by residential treatment program in Southern California.
- Obtained a unanimous defense verdict after 2-week jury trial on breach of contract and fraud claims, affirmed on appeal, for a health insurance plan relating to a home infusion provider's claim seeking exorbitant charges for its provision of drugs to a plan member.
- Obtained a dismissal on federal preemption grounds of tort claims against a Medicare Advantage health insurance plan based on the managed care system of financial incentives. Dismissal was affirmed on appeal.
- Obtained a dismissal on federal preemption grounds of contract and bad faith claims against a Medicare Advantage health insurance plan.

## Business Litigation

- Represented a U.S. development subsidiary of a major international construction company in a lawsuit relating to the development of major hotel/retail complex in area near Disneyland in Anaheim, CA.
- Obtained a unanimous verdict on business tort and unfair competition claims and an award of more than \$6 million for a major shopping center REIT in a three-month jury trial related to a dispute over a prime shopping center site.
- Represented a major bank in an arbitration relating to the sale of the bank's interest in a commercial office building. The arbitrator found for the bank on all substantive issues.
- Represented an asphalt emulsions producer in fraud and intentional interference claims against the largest chemical company in the world. After complete defeat of the defendant's motion for summary judgment, the case was settled on a confidential basis.
- Obtained a settlement for a minimal amount on very favorable terms for a national ratings agency in its successful First Amendment-based defense of billion-dollar claims arising from the nation's largest municipal bankruptcy.
- Represented several major grocery chains in litigation related to a shopping center development, commercial leasing, exclusive use restrictions and nuisance claims.
- Represented a national truck rental company in the defense of product liability claims throughout California and Nevada.

## Intellectual Property/Technology Litigation

- Obtained a settlement of more than \$13 million, following a partial verdict and favorable post-trial rulings, for the largest exporter of U.S. beef to Korea, in a five-week jury trial on trademark, contract, and unfair competition tort claims.
- Represented a rights clearance agency and a national consumer products company in disputes over the licensing of songs performed by the Village People.
- Represented the rock band Guns N' Roses in trademark litigation related to the release of its "Greatest Hits" album.

## **AWARDS**

- *Best Lawyers in America*®: Commercial Litigation (2021-2026), Insurance Law (2025-2026)
- *Thomson Reuters Stand-out Lawyer* (2024, 2026) – independently rated lawyers
- *Southern California Super Lawyer* (2012, 2013, 2015-2017)

## **TOP AREAS OF FOCUS**

- Business Litigation
- Class Action
- Financial Services Litigation
- General Liability
- Health Care Insurance
- Insurance + Reinsurance
- Telephone Consumer Protection Act (TCPA)

## **ALL AREAS OF FOCUS**

- Bad Faith
- Business Litigation
- Class Action
- Financial Services Litigation
- General Liability
- Health Care Insurance
- Insurance + Reinsurance
- Litigation + Trial
- Managed Care Payor Disputes, Investigations + Regulatory Counseling
- Patent Litigation
- Telephone Consumer Protection Act (TCPA)

## **PROFESSIONAL/COMMUNITY INVOLVEMENT**

- President's Circle, Orange County United Way (2017-present)
- Chair/vice chair, Board of Directors, Orange County United Way (2012-2016)
- Executive Committee, Orange County United Way (2012-2017)
- Board of Directors, Orange County United Way (2005-2017<span>; 2019-present)
- Campaign Cabinet, Orange County United Way (2012-2014)

- Chair/vice chair, Community Investment Cabinet, Orange County United Way, (2006-2012)
- Chair/vice chair, Keeping Kids on Track Initiative, Orange County United Way (2002-2006)
- Alexis de Tocqueville Society, Orange County United Way (2006-present)
- Bench & Bar Society, Orange County United Way (2006-present)
- Fund Development Committee (2010-2012), Annual Dinner Committee (2005-2009), Public Law Center
- Executive Committee, Sonenshine Pro Bono Reception (2016-2018)

## EDUCATION AND CERTIFICATIONS

### EDUCATION

- Georgetown University Law Center, J.D., *magna cum laude*, *Order of the Coif*, 1994
- Messiah University, B.A., *magna cum laude*, 1990

### BAR ADMISSIONS

- California

### COURT ADMISSIONS

- Florida State Courts
- Supreme Court of California
- U.S. Court of Appeals, Ninth Circuit
- U.S. Bankruptcy Court, District of New Jersey
- U.S. Bankruptcy Court, Southern District of New York
- U.S. District Court, Northern District of Alabama
- U.S. District Court, Central District of California
- U.S. District Court, Eastern District of California
- U.S. District Court, Northern District of California
- U.S. District Court, Southern District of California
- U.S. District Court, District of Colorado
- U.S. District Court, District of Hawaii
- U.S. District Court, Eastern District of Wisconsin
- U.S. District Court, Western District of Wisconsin
- Eighteenth Judicial Circuit Court of Illinois

## SPEAKING ENGAGEMENTS

- Co-presenter, "Helping Sales and Marketing Avoid an Anti-defamation, Infringement or Unfair Competition Claims from Competitors," ACC In-House Counsel Conference, Anaheim, CA, January 27, 2016.

## PUBLICATIONS

- Co-author, "[California Supreme Court Confirms Vertical Exhaustion Rule Applies Before Depletion of All Primary Coverage](#)," *Troutman Pepper*, July 2, 2024.
- Co-author, "[Ninth Circuit Rejects Retroactive Consent for Recording Website Users](#)," *Troutman Pepper*, June 14, 2022.

- Co-author, “California Supreme Court Confirms Call-Recording Statute Applies to Parties and Nonparties Alike,” *Troutman Pepper*, April 12, 2021.
- Co-author, “*Pinto v. Farmers Insurance Exchange*: California Appellate Court Confirms Juries Must Specifically Find Insurer Acted Unreasonably in Bad Faith Failure to Settle Cases,” *Troutman Pepper*, March 22, 2021.
- Co-author, “Pitfalls in Class Settlements,” *FBA/OC*, Fall/Winter 2020.
- Co-author, “COVID-19 Insurance Class Actions Face Certification Hurdles,” *Law360*, May 7, 2020.
- Co-author, “Calif. COVID-19 Class Actions: Early Trends And Key Defenses,” *Law360*, April 23, 2020.
- Co-author, “Ninth Circuit Issues Ruling on Insurers’ Rights and Obligations Regarding Suspended Corporate Insureds,” *Troutman Sanders*, March 16, 2020.
- Co-author, “No Fishing Zone: Protecting Against Overly Broad Discovery in Insurance Bad Faith Actions,” *Lexology*, February 21, 2020.
- Co-author, “5 Complications That Can Derail A Class Action Settlement,” *Law360*, February 21, 2020.
- Co-author, “*Roes v. SFBSC Management, LLC*: Ninth Circuit Reverses Class Settlement Approval and Outlines More Exacting Standard for Class Action Settlements,” *Troutman Sanders*, January 8, 2020.
- Co-author, “Lessons For Calif. Health Payors From 2019 Filing Trends,” *Law360*, January 8, 2020.
- Co-author, “Searching For A Solution To Surprise Medical Billing In Calif.” *Law360*, August 26, 2019.
- Co-author, “6 Ways Teaching a Law School Class Can Benefit Lawyers,” *Law360*, July 10, 2017.
- Co-author, “Interpreting *Duran v. US Bank* in the Aftermath of Tyson,” *Law360*, May 3, 2016.
- Co-author, “Supreme Court Limits Effect of Rule 68 for Class Actions in *Campbell-Ewald*,” *Advertising & Product Risk Management Alert*, Jan. 29, 2016.
- Co-author, “Litigation Forecast 2016: What Corporate Counsel Need to Know for the Year,” a *Crowell & Moring LLP publication*, January 2016.
- Co-author, “Class Actions — Battling on the Front End of Litigation,” *Crowell & Moring’s Litigation Forecast 2016*, January 2016.

## **MEDIA COMMENTARY**

- Mentioned, “In Case You Missed It: Hottest Firms and Stories on Law360,” *Law360*, February 28, 2020.