



## O'MELVENY & MYERS LLP

### M. Randall Oppenheimer

PARTNER



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**Randy Oppenheimer** is a partner in O'Melveny's Century City office and head of the Century City Litigation Practice. He has emphasized national trial practice, litigation and counseling involving the business community, the energy and entertainment industries, intellectual property issues, environmental issues, and antitrust and regulatory matters. Randy was among the Firm's partners featured by *The American Lawyer* when it chose the Firm to receive the Litigation Department of the Year Award in 2004. He has been named a member of the Lawdragon "500 Leading Litigators in America"; included in the *Chambers USA* "National Practice Leaders" directory as a leader in Litigation; and named a "Super Lawyer" in surveys conducted by Law & Politics Media Inc. While covering one of his trials, the *Washington Post* reported on what they described as Randy's "razor-sharp intellect . . . [and] dignified delivery" in the courtroom. He currently sits on the Firm's Compensation Committee and was recently awarded the 2008 O'Melveny & Myers Values Award in recognition of his practice excellence and contributions to the Firm.

#### Illustrative Professional Experience

##### Recent Illustrative Trial Experience:

Among other matters, Randy has tried cases for:

- A major oil producer, successfully securing a judgment barring claims for alleged human rights abuses in a foreign country
- A major oil producer, successfully obtaining a complete defense jury verdict against claims that it owed in excess of US\$30 million to various Alaskan municipalities for unpaid oil spill clean up costs. The jury awarded zero. This

verdict became one of the *National Law Journal's* top defense verdicts for 2002

- A major aerospace manufacturer, in mass tort litigation involving in excess of 2,000 claims arising from the largest superfund site in the United States. The case settled mid-trial for less than plaintiffs' costs, a miniscule fraction of the amount sought
- One of the lead defense counsel for a senior executive at his criminal trial in Houston, Texas (Matter argued to the U.S. Supreme Court, March 1, 2010)

##### Recent Illustrative Appellate Experience:

- Argued *Doe v. Unocal*, before an *en banc* panel of the 9th Circuit Court of Appeal

##### Other Professional Experience:

###### Commercial Litigation Involving the Entertainment Industry

- Lead outside counsel for a major television network in connection with a music rights class action currently pending in federal court
- Lead outside counsel for a major independent production company in various matters, including litigation with a major television network currently pending in state court concerning US\$53 million in disputed licensing fees, litigation with a talent agency that materially reduced that agency's claim to various television packaging fees, various negative injunction matters involving key talent, profit participation litigation, and intellectual property rights matters
- Lead outside counsel for a major studio in various matters, including litigation involving the studio's television syndication practices
- Lead outside counsel for a major studio in various matters, including class action litigation involving European levies, litigation involving a motion picture, litigation involving a television series, and litigation concerning a film library
- Lead outside counsel for a major studio in various matters, including copyright infringement litigation over a motion picture
- Lead outside counsel for a major television network in litigation involving an animated series
- Lead outside counsel for a major production studio in various matters, including litigation to recover programming fees under an exclusive theatrical output agreement, class action litigation involving video advertising, and litigation involving syndication of a television series
- Lead outside counsel for providers of large screen theater format and product in litigation over ownership claims to a motion picture
- Lead outside counsel for an entertainment product supplier in litigation involving pay-per-view television product
- Lead outside counsel for a major cable channel in litigation involving foreign cable distribution rights
- Lead outside counsel for a client in connection with disputes involving the sale of an NBA basketball team

###### Intellectual Property

- Co-lead outside counsel for a major computer manufacturer in litigation in the Northern District of California and Japan, successfully enjoining infringements of the distinctive trade dress of a personal computer (successfully asserting both trademark and dilution claims)

#### professional focus

Business Trial and Litigation  
Environmental Law  
White Collar Defense and Corporate  
Investigations  
Entertainment and Media Litigation  
Energy, Natural Resources and  
Environment

#### education

University of Chicago, J.D.,  
1977: Comment Editor, *The  
University of Chicago Law Review*,  
1977

Harvard University, A.B.,  
1974: *summa cum laude*; Phi Beta  
Kappa

#### admitted

California

- Lead outside counsel for a major producer of microchips in litigation in federal court in Delaware that successfully defeated an attempt by Intel to enjoin client's use of MMX as a merchandising designation for its chips

#### *Environmental*

- Co-lead outside counsel for a major oil producer in the successful defense of land damage claims in the aftermath of an oil spill (in the face of aggregate claims exceeding US\$350 million, the Alaskan jury awarded less than US\$7 million in claims for damages to native lands, in one case awarding the native corporation plaintiff zero dollars in damages.) (Different trial from the 2002 trial mentioned previously.)

#### *Regulatory and Antitrust*

- Lead outside counsel for a major cement supplier in Hart-Scott-Rodino actions before the FTC relating to the acquisition of cement import facilities
- Lead outside counsel for a major public utility company for direct cost audit matters during the prudency review of the Diablo Canyon nuclear power plant
- Co-lead outside counsel for a Japanese steel producer alleged in a private civil damages action to have violated US dumping laws
- Co-lead outside counsel for a major studio in antitrust litigation brought against the major studios alleging a conspiracy to fix the terms and conditions of net profits in talent contracts

#### **Professional Activities**

**Vice Chairman**, Sub-Committee on Sports and Entertainment Law, Antitrust Section of the ABA

**Lecturer**, "Entertainment, Arts and Sports," ALI-ABA annual panel; "Whose Idea Is It Anyway? - Issues of Common Law and Copyright in Idea Submission Cases," Beverly Hills Bar Association (February 1999)

**Faculty**, "Trademark Dilution Surveys; What Are We Measuring?" Intellectual Property Panel, Price Waterhouse IP Leadership Conference (Scottsdale)

**ABA Panel**, "Litigating Internet Issues," ABA Summer Meeting

**Honors**, Selected as a member of the Lawdragon 500 "Leading Litigators in America"; included in the *Chambers USA* "National Practice Leaders" directory as a leader in Litigation; named a "Super Lawyer" in surveys conducted by Law & Politics Media Inc. and published by *Los Angeles* magazine; listed in "Who's Who In America"