



Charles Lifland

Partner

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Charlie Lifland focuses on class action and appellate work in the fields of mass torts, antitrust and unfair business practices, securities and consumer fraud, and punitive damages. Over more than 30 years of practice, he has litigated complex business cases and handled high-profile appeals in courts across the country. Leading energy, technology, pharmaceutical, and medical device companies—including ExxonMobil Corporation, Johnson & Johnson, and Merck & Co.—have turned to Charlie for their most important litigation matters.

Charlie also has defended clients in criminal antitrust and securities investigations, and regularly counsels clients on compliance with federal and state antitrust and unfair competition laws. He was part of an O'Melveny team that scored a defense victory in a six month antitrust trial the San Francisco *Daily Journal* hailed as one of the Top Defense Verdicts of 2011. Charlie was the 2003-2004 Chair of the Los Angeles County Bar Association's Antitrust and Unfair Business Practices Section.

Charlie is a member of the Los Angeles County Bar Association's State Appellate Justice Evaluation Committee. For six years he was an Adjunct Professor at the UCLA School of Law, where he taught a *pro bono* federal appellate practice clinic. He serves on the Board of Overseers of the RAND Institute for Civil Justice and the Board of Directors of the Western Justice Center Foundation, where he was the 2014-2015 President. Charlie also represented the Brady Center to Prevent Handgun Violence in *pro bono* appellate litigation upholding the constitutionality of California's statutory ban on assault weapons.

Admissions

Bar Admissions

California

Court Admissions

US Court of Appeals, Fourth and Ninth Circuits

US Supreme Court

US District Court, Southern, and Central Districts of California

Education

Harvard University, J.D., 1982:
magna cum laude

Yale University, B.A., 1979: *magna cum laude*, with Distinction in Economics

The Los Angeles and San Francisco *Daily Journals* named Charlie one of the “Top 100 Lawyers in California,” and the Los Angeles *Daily Journal* ran a front-page profile of him entitled “Appellate Specialist Hits Vioxx Daily Double” after he won pharmaceutical product liability appeals in New Jersey and Texas on the same day. *California Lawyer Magazine* named Charlie a “California Lawyer Attorney of the Year” in the field of appellate law for his work on the Exxon Valdez punitive damages litigation. *Law360* has recognized Charlie as a national “MVP” in the field of products liability law. *The Legal 500 US* recognized him as a leading lawyer for his work in product liability & mass torts matters.

Experience

- Defense of mass tort litigation arising from the Exxon Valdez oil spill. Charlie secured certification of a mandatory class for unitary resolution of all punitive damages claims, and was one of the company's lead appellate counsel in *In re Exxon Valdez* (9th Cir. 2001) (vacating US\$5 billion punitive award), and *Exxon Shipping Co. v. Baker* (US 2008) (reducing final punitive award from US\$2.5 billion to US\$500 million). He was also lead appellate counsel for **ExxonMobil** in *Alabama Dept. of Conservation and Natural Resources v. Exxon Corp.* (Ala. 2002) (vacating US\$3.4 billion punitive award), and *Exxon Mobil Corp. v. Alabama Dept. of Conservation and Natural Resources* (Ala. 2007) (reversing US\$3.5 billion punitive award after retrial).
- Defense of State Attorney General Medicaid and consumer fraud enforcement actions. Charlie was lead appellate counsel for **Johnson & Johnson** and its affiliate **Ortho-McNeil-Janssen**, maker of the antipsychotic drug Risperdal, in *Ortho-McNeil-Janssen Pharmaceuticals v. Arkansas* (Ark. 2014) (reversing US\$1.4 billion civil penalty and attorney fee award under Arkansas Medicaid fraud and deceptive practices statutes) and *Caldwell ex rel. Louisiana v. Janssen Pharmaceutica* (La. 2014) (reversing US\$330 million civil penalty and attorney fee award under Louisiana Medicaid fraud statute).
- Defense of mass tort litigation arising from allegedly defective prescription drugs and medical devices. Charlie was one of the lead national defense counsel for Merck in mass tort litigation over Vioxx®, and was lead appellate counsel in *Merck & Co. v. Ernst* (Tex. App. 2009) (reversing US\$253 million jury verdict from first Vioxx trial), *In re Vioxx Class Cases* (Cal. App. 2009) (affirming refusal to certify consumer and third-party payor economic loss class action), and *McDarby v. Merck & Co.* (N.J. App. 2008) (reversing US\$9 million punitive award and multimillion dollar attorney fee awards). He was also lead appellate counsel in *Bailey v. Janssen Pharmaceutica* (Miss. 2004) (reversing US\$100 million jury verdict for 10 prescription drug plaintiffs), *Armond v. Janssen Pharmaceutica* (Miss. 2004) (invalidating mass joinder of pharmaceutical personal injury claims), and *Kerr v. Inamed Corp.* (9th Cir. 2002) (affirming dismissal of medical device class action brought by overseas plaintiffs), and has served as lead counsel on legal and appellate issues in similar cases in California and elsewhere. As part of this work, he has defeated nationwide class certification of medical monitoring and consumer refund claims and led successful challenges to unscientific expert testimony. Charlie has also advised both pharmaceutical and medical device manufacturers on federal preemption and punitive damages issues.

- Defense of major commercial banks in multiple antitrust and unfair competition class actions alleging unlawful conspiracies and other illicit business practices in the setting of bank prime rates. Charlie obtained summary judgment for the banks on all claims. He also successfully challenged a US\$14 million damage award in a class action alleging excessive credit card late charges and overlimit fees, obtaining a US\$10 million appellate reduction and the right to credit US\$3 million of the remainder against class members' bad debts. In another case, Charlie obtained reversal of a US\$70 million lender liability verdict.
- Defense of airlines, public utilities, technology companies, and other clients in actions alleging unlawful conspiracies, unreasonable restraints of trade, monopolization, trade secret theft, false advertising, and other unlawful, fraudulent, or unfair business practices, including class actions brought under California Business & Professions Code §§ 17200 and 17500, the California Consumer Legal Remedies Act, and similar unfair competition and consumer protection laws in other states.
- Defense of numerous companies and individuals in class actions and government litigation brought under federal and state securities laws and RICO, including litigation arising from the WPPSS bond default, the Drexel Burnham Lambert junk bond scandal, and the Orange County bankruptcy.
- Appearance as *amicus curiae* in the U.S. Supreme Court and the California Supreme Court on behalf of dozens of major U.S. corporations in cases challenging the constitutionality of disproportionate punitive damages awards. Charlie addressed the 2003 Spring Conference of the Product Liability Advisory Council on research examining, from a psychological and behavioral perspective, how juries determine punitive damages, and he led a 2008 RAND Institute for Civil Justice Law and Policy Symposium on the role of experimental and empirical research in the development of punitive damages law.

Professional Activities

Clerkships

- Honorable Mariana R. Pfaelzer, US District Court, Central District of California (1982-83)

Adjunct Professor

- UCLA School of Law, Ninth Circuit Appellate Practice Clinic (2008-14)

Board of Overseers

- RAND Institute for Civil Justice

Board of Directors

- Western Justice Center Foundation

Member

- American Bar Association and California State Bar, Antitrust and Litigation Sections; Los Angeles County Bar Association, Antitrust and Unfair Business Practices Section; Defense Research Institute, Drug and Medical Device Committee