

# Sean R. Crain

SHAREHOLDER

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Sean Crain represents clients in complex commercial litigation in state and federal courts across the country, focusing on high-stakes disputes in the commercial real estate, financial institutions, food and beverage, and health care industries. Leveraging his licensure in both Texas and California courts, Sean routinely litigates matters involving contentious separations among corporate stakeholders, claims for unfair competition and breach of fiduciary duty, and post-acquisition disputes sounding in contract and tort. Sean is equally well-versed in defending putative class actions through critical motion practice and avoiding class certification. While the jurisdiction and subject matter may vary, Sean consistently guides his clients through all phases of litigation — from case inception to trial — with pragmatic and solution-oriented counsel.

Prior to joining Polsinelli, Sean practiced at two Am Law 50 firms in Los Angeles and Dallas, where he developed a national litigation practice spanning diverse industries and jurisdictions.

## Education

- Tulane University Law School (J.D., *magna cum laude*, 2013)
  - Tulane Journal of International and Comparative Law, Senior Business Editor
  - Dean's Medal
- University of California, Los Angeles (B.A., *cum laude*, 2010)
  - Phi Beta Kappa

## Bar Admissions

- Texas
- California

## Court Admissions

- U.S. District Court, Northern District of Texas
- U.S. District Court, Southern District of Texas
- U.S. District Court, Eastern District of Texas

## Capabilities

- Litigation
- Commercial Litigation
- Class Action & Multidistrict Litigation
- Financial Services Litigation
- Real Estate Litigation
- Mergers & Acquisitions Litigation

- U.S. District Court, Western District of Texas
- U.S. District Court, Central District of California
- U.S. District Court, Eastern District of California
- U.S. District Court, Southern District of California
- U.S. Court of Appeals, Ninth Circuit

## Memberships

- Dallas Regional Chamber, Young Professionals

## Recognition

- Named one of *Best Lawyers: Ones to Watch® in America* in Commercial Litigation, 2024
- Named a Top Author by *JD Supra's* "Readers' Choice Awards," 2022-2024

## Languages

- Spanish (Proficient)

# Matters

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## Complex Commercial Litigation

- Prosecuted shareholder derivative claims through trial in Los Angeles Superior Court, obtaining a multimillion-dollar award (including attorneys' fees and treble damages) for the minority shareholder in a closely held medical practice.
- After nearly five years of contentious litigation and significantly paring down the plaintiff's case on summary adjudication, achieved favorable outcome for international bank client in action stemming from purported breach of alleged finder's fee agreement predicated on multi-billion-dollar sale of commercial real estate asset and debt portfolio.
- Represented a leading California-based investment fund as a corporate plaintiff in multiple litigations, ultimately obtaining separate judgments over \$30 million against the architect of a Ponzi scheme and his shell entities.
- Member of team securing a federal jury verdict for the world's leading beverage company in a landmark advertising dispute involving the Lanham Act, juice labeling, and FDA regulations (after the case was remanded for trial to the Central District of California by the U.S. Supreme Court).
- Member of trial team that obtained a defense verdict for a Fortune 500 client in Los Angeles Superior Court after a five-day jury trial on claims of discrimination and retaliation, then obtained an award of costs against the plaintiff and defeated the motion for a new trial.
- Achieved a favorable settlement on behalf of a prominent medical practice and its minority shareholder in arbitral, direct and derivative actions tethered to shareholder obligations arising from buy-sell agreement.
- Successfully resolved claims stemming from post-acquisition dispute pending in Michigan state court with over \$20 million in controversy on behalf of leading national distributor of senior market insurance products.
- Defeated numerous requests for preliminary injunctive relief on behalf of prison telecommunications client in both Texas state and federal court.

- Represented the world's leading beverage company as a non-party in numerous lawsuits alleging product liability claims from ingestion of energy drinks.
- Obtained summary judgment for a Fortune 500 company in a federal lawsuit asserting claims based on alleged civil rights violations.
- Prevailed on a motion for partial summary judgment on behalf of an international transportation company in a fuel contract dispute in federal court.
- Successfully defended a private equity firm against fraud claims in connection with a multimillion-dollar real estate deal, prevailing on summary judgment on issues of foreign law on eve of federal court trial.
- Defeated AAA arbitration claims demanding over \$30 million in damages and secured a seven-figure award on behalf of leading beverage manufacturer.
- Represented a national restaurant and entertainment business in numerous real estate and construction matters.
- Advised an NFL team on risk mitigation and liability assessment for community engagements and publicity events, as a means of avoiding litigation.
- Prevailed on motion to stay pending outcome of arbitration in a federal lawsuit alleging putative class claims premised on a purported "secret kickback" scheme for the sale of soft drinks at an NFL stadium.
- Obtained summary adjudication for an international media network in a lawsuit concerning the interpretation of defense and indemnity obligations arising out of a commercial lease.
- Served as national counsel for a luxury fashion house in lawsuits arising from alleged exposure to asbestos purportedly contained in cosmetic talc products.
- Successfully resolved federal litigation seeking declaratory relief on defense and indemnity obligations from asset purchase agreement relating to cosmetic talc products.
- Obtained dismissal in exchange for a waiver of costs after serving the plaintiff with a motion for summary judgment in an asbestos products liability action against an industrial manufacturer client.

### **Class Action Litigation Matters**

- Obtained summary judgment in federal court for the world's leading beverage company — mooted the plaintiff's pending motion for class certification — in a putative nationwide class action challenging the labeling of various juice products.
- Achieved a favorable ruling on demurrer, including on preemption grounds, to a putative class action complaint challenging the labeling of coconut water product.
- Defended the world's leading beverage company (and its subsidiary) in a putative class action alleging violations of state consumer protection statutes premised on FDA regulations.
- Obtained dismissal of a putative class action in federal court, which was upheld on appeal by the Ninth Circuit, on the grounds that an excess insurance layer was not triggered in a coverage dispute arising from the alleged breach of fiduciary duty class claims brought against a bankrupt subprime mortgage company's officers and directors.
- Defended a prominent ice cream brand against a putative class action involving "natural" labeling claims.
- Represented the individual directors and officers of an oil and gas company in a securities class action alleging Section 11 and Section 15 claims.
- Successfully resolved numerous threatened putative class action lawsuits alleging violations of consumer protection statutes, including California's UCL, FAL and CLRA prior to filing.
- Successfully resolved numerous putative class action and mass arbitration matters alleging claims arising from data security incidents.