



Amy B. Alderfer

Member

Santa Monica

aalderfer@cozen.com | (213) 892-7941

Amy advises clients on all aspects of litigation, from pretrial matters through trial and appeal. She has tried numerous cases to verdict and successfully argued before the California Court of Appeal.

Her practice encompasses securities, arbitration, and commercial lease litigation, real estate litigation, land use, products liability, false advertising, consumer protection, pharmaceutical and medical device, California Proposition 65 compliance and litigation, cannabis law, and major commercial disputes. Amy is experienced in representing individuals, corporations, and public entities.

Amy has extensive experience with complex litigation, mass actions, multidistrict litigation, and California coordinated proceedings. She routinely handles complex issues, expert witnesses, and regulatory issues.

Amy earned her law degree in 1999 from the University of Southern California Law School. She is the current president of the USC Law School Alumni Association. She is a past president of the Century City Bar Association and is actively involved with the charity Every Mother Counts. Amy joined Cozen O'Connor from another AmLaw 100 firm in 2014.

Experience

Won a major jury verdict Orange County, California on behalf of two investment companies, convincing the jury to award \$4.3 million in compensatory and punitive damages for claims arising from breach of an oral contract, breach of fiduciary duty, and spoliation of evidence in a dispute stemming from the defendants' mishandling of our clients' investments. In securing this verdict, the Cozen O'Connor team overcame the substantial challenge presented by the lack of a written agreement and the need to base the case entirely on witness credibility and circumstantial evidence.

Successfully handled complex real estate litigation spanning more than seven years for a significant client involving issues relating to leasing and easements. The matter involved significant interaction with local public agencies, including local planning commission, city council, and assessor.

Represented various cities in Southern California in a wide variety of matters, including writ of mandate and code enforcement proceedings.

Successfully represented a commercial property owner against a corporate trespasser relating to the erection and use of a cellular tower.

Successfully litigated numerous cases for medical device manufacturers, including a manufacturer of artificial back discs, a manufacturer of surgical products and a manufacturer of pelvic mesh.

Served as team leader on approximately 20 pelvic mesh cases against a single manufacturer, responsible for overseeing the work of numerous attorneys, including outside counsel. Also analyzed the full range of pending pelvic mesh claims against her client as part of the bellwether selection process.

Vigorously defended a maker of surgical sutures in Los Angeles Superior Court in a case that ultimately resolved through a favorable settlement.

Practice Areas

- Class Action & Mass Tort
- Commercial Litigation
- Litigation
- Products Liability

Industry Sectors

- Health Care & Life Sciences

Education

- University of Southern California Law School, J.D., 1999
- Loyola Marymount University, B.A., 1996

Bar Admissions

- California

Affiliations

- Century City Bar Association Board Member
- USC Gould Law School Alumni Association Board Member

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Successfully litigated and resolved many cases for an international medical technology and services company across a variety of divisions and product lines, including insulin pumps and infusion sets, neurostimulators, implantable cardioverter defibrillators and surgical products.

Successfully represented and litigated on behalf of nutritional supplement companies sued for false advertising in California.

Won a critical motion to dismiss with leave to amend on an ICD case that resulted in immediate resolution.

Handled a case on behalf of an international medical technology and services company that involved complicated issues of medical device representative responsibility and liability.

Successfully resolved a case involving off-label use of an artificial back disc on behalf of an international device maker.

Successfully first chaired a multi-day commercial bench trial involving alter ego issues in California state court.

Won a motion for summary judgment in a wrongful termination action in California state court.

Won complete affirmation for a trial court decision in favor of a client in a probate dispute from the California Court of Appeal, Second District.

Successfully removed individual cases in *Corber v. Xanodyne Pharmaceuticals, Inc. et al.* (a California coordinated proceeding) to federal court under the Class Action Fairness Act (CAFA).

Defended a generic pharmaceutical company in a mass tort action concerning the drug metoclopramide. Active participation in joint defense briefing and legal strategy surrounding Mensing and Bartlett issues.

Currently defending a supplement company in California coordinated proceeding involving allegations of serious bodily injury and death.

Recently defeated a putative class action by negotiating a favorable settlement with named plaintiff.

Successfully won unqualified enforcement of a client's "clickwrap" agreement.

Tried a multi-day commercial bench trial involving product placement issues on behalf of an energy drink manufacturer that resulted in a favorable verdict.

Secured favorable settlement of a residential mold exposure case involving a subterranean apartment owned and managed by our clients. Contributing to the favorable settlement was our showing during mediation that the plaintiffs could not establish the presence of a damp, moldy environment, that they had no physical symptoms that could be linked to mold exposure, and that they could not establish mold-related property damage.

Defeated a motion for class certification in a putative class action filed in California state court against our client, a major food manufacturer, alleging that the packaging for a specific type of dog treat misrepresented that the product was "wholesome." The plaintiffs sought approximately \$8.4 million on behalf of the putative class, plus punitive damages and attorneys' fees under California's consumer protection statutes. We defeated class certification, and plaintiffs agreed to drop all claims.

Represented a national retailer of a well-known weight loss product in a putative class action in the U.S. District Court for the Southern District of California that alleged false advertising and unfair competition

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under Section 17200 of California's Business and Professions Code. We negotiated a dismissal of our client prior to class certification, even as litigation proceeded against other named defendants.

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