



Sean Twomey

Of Counsel

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Orange County, CA – 949.404.3425

Sean Twomey is a seasoned litigator with extensive experience representing a broad range of global Fortune 100 and 500 companies across various industries, including retail, health care, and defense. His experience includes serving as outside counsel to a leading global athletic footwear and apparel company, where he handled high-stakes litigation and provided strategic legal guidance on high-profile athlete endorsement contract negotiations.

Sean's practice primarily focuses on complex commercial litigation, including breach of contract, business torts, and regulatory disputes. In addition, he routinely advises clients on matters involving general liability, complex torts, sports law, and health care compliance and enforcement, as well as appellate strategy. Sean's diverse experience enables him to provide clients with a comprehensive legal approach that balances aggressive advocacy with practical business insight.

Litigation Defense

Sean has extensive experience in handling all aspects of civil litigation in federal and state courts. He is well-versed in managing internal investigations, compliance audits, False Claims Act qui tam litigation, and civil and criminal investigations related to defense export controls, as well as promotional, kickback, and safety issues involving FDA-regulated drugs and devices.

Education

- University of Virginia School of Law (J.D., 2011)
 - Order of the Coif
 - Executive Editor, Virginia Journal of Law and Social Policy

Services

- Commercial Litigation
- Complex Tort & General Casualty

- Pro Bono Service Award
- Paul A. Simon Memorial Scholarship
- University of California, Los Angeles (B.A. Philosophy, *summa cum laude*, 2007)

Bar Admissions

- California
- New York
- District of Columbia

Court Admissions

- U.S. Court of Appeals, Ninth Circuit
- U.S. Court of Appeals, Federal Circuit
- U.S. District Court, Central District of California
- U.S. District Court, Northern District of California
- U.S. District Court, Southern District of California

Professional Affiliations

- Law360 Sports Editorial Advisory Board, 2019-2020
- Veterans Legal Institute, Former Board of Directors Member

Awards & Honors

Selected for inclusion in The Best Lawyers in America®: Ones to Watch in Entertainment and Sports Law, 2022

Languages

- Spanish

Representative Matters

Oakley, Inc. v. Nike, Inc., 988 F. Supp. 2d 1130 (C.D. Cal. 2013). Secured summary judgment in a \$100 million lawsuit related to golfer Rory McIlroy's decision to sign an athlete endorsement agreement with Nike.

Shiva Y. Stein, v. Philip H. Knight, et al., 18CV38553 (Or. Cir. 2019). Secured a discovery stay and dismissal with prejudice in a \$10 million derivative suit against Nike's Board of Directors.

In re Allergan, Inc. Derivative Lit. (C.D. Cal. 2015). Successfully defended Allergan's Board of Directors in a \$600 million shareholder derivative lawsuit relating to alleged off-label marketing of Botox.

United States ex rel. McGrath v. Microsemi Corp., 140 F. Supp. 3d 885 (D. Ariz. 2015), aff'd 690 Fed. App'x 551 (9th Cir. 2017). Obtained dismissal at the pleadings stage of a \$2 billion FCA suit alleging regulatory violations. Obtained complete affirmance on appeal. Persuaded the DOJ to decline to pursue a civil investigation.

Havensight Capital LLC v. Nike, Inc., 891 F.3d 1167 (9th Cir. 2018). Obtained dismissal with prejudice before the district court of antitrust and unfair competition/tort claims against Nike. On appeal, persuaded the Ninth Circuit to dismiss the substantive appeal for lack of jurisdiction and affirm the district court's award of costs against the plaintiff.

United States ex rel. Wood v. Allergan, Inc. (2nd Cir. 2017) Persuaded the Second Circuit to accept a rare interlocutory appeal on key unresolved legal issues concerning the False Claims Act's "first-to-file" bar.