

Paul A. Alarcón

Orange County, California
Senior Counsel

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Areas of Practice & Industry Specialties

Appellate Law; Litigation; Products Liability Law



Paul A. Alarcón's practice is focused on appellate and complex commercial litigation. He has authored briefs for the U.S. Supreme Court, the Ninth Circuit, the California Supreme Court, the California Court of Appeal, and numerous U.S. District Courts and California Superior Courts. His extensive litigation experience in state and federal courts includes:

- Appellate Law
- Class Action Defense
- Commercial Disputes
- Product Liability Defense
- Torts

Following law school, Mr. Alarcón served as a judicial clerk for the Honorable J. Leon Holmes, Chief Judge on the U.S. District Court of the Eastern District of Arkansas and went on to serve as a judicial clerk for the Honorable Daniel A. Manion on the U.S. Court of Appeals for the Seventh Circuit.

Mr. Alarcón was named "One to Watch" in Appellate Practice by *Best Lawyers* in 2021 & 2022.

Memberships

- The American Bar Association
- The Los Angeles County Bar Association
- The Orange County Bar Association
- The Product Liability Advisory Council
- The Saint Thomas More Society of Orange County
- The Charles Institute
- The National Order of the Scribes

Representative Matters

Representative Appellate Matters

- *Yi v. Circle K Stores Inc.* (2019) Obtained affirmance of grant of motion for summary judgment in favor of client in action alleging claims for breach of contract, breach of the implied covenant of good faith and fair dealing, fraudulent inducement, and violation of California's Unfair Competition Law in the U.S. Court of Appeals for the Ninth Circuit.
- *Carole Waddell v. Walt Disney Parks and Resorts, U.S., Inc.* (2018) Obtained affirmance of grant of summary judgment in favor of client in action alleging violations of the Unruh Civil Rights Act, the Bane Act, the Disabled Persons Act, and intentional infliction of emotional distress in the California Court of

Appeal, Fourth District, Division Three.

- *Palmer Ranch Holdings Ltd. v. Comm'r* (2016) Obtained reversal of tax court judgment adverse to client and affirmation of tax court judgment favorable to client in the U.S. Court of Appeals for the Eleventh Circuit.
- *Marks v. Lasalle* (2015) Obtained favorable ruling for client in appeal to the California Court of Appeal, Fourth District, Division Three on a Motion for Stipulated Reversal of Judgment.

Representative Litigation Matters

- Secured ruling in the California Superior Court for the County of Los Angeles that, as a matter of law, the common law *Borello* test, and not the Supreme Court's new "ABC" test, is the controlling standard for determining if an employment relationship exists where a plaintiff seeks to hold a defendant vicariously liable for the actions of an alleged employee.
- Secured dismissal of action seeking damages of up to \$5 million in action alleging breach of contract, breach of warranty, and negligence before the American Arbitration Association's Commercial Arbitration Tribunal on a Motion for Summary Judgment.
- Secured dismissal of action alleging strict products liability and negligence in the Arizona Superior Court for the County of Maricopa on a Motion for Summary Judgment.
- Served as second-chair trial counsel and secured defense verdict following three-week jury trial in the California Superior Court for the County of Los Angeles of action seeking \$40 million in damages on claims for strict and negligent products liability and negligence based on allegations of design and manufacturing defects.
- Secured dismissal of action alleging survival and wrongful claims for strict products liability, negligence, and breach of warranty in the California Superior Court for the County of Sacramento on a Motion to Dismiss based on Forum Non Conveniens.
- Secured dismissal of action alleging strict products liability, breach of warranty, negligence, and negligent infliction of emotional distress in the California Superior Court for the County of Los Angeles on a Motion to Dismiss based on Forum Non Conveniens.
- Secured dismissal of action alleging strict products liability, failure to warn, breach of the implied warranties of fitness for a particular purpose and merchantability, and negligence in the California Superior Court for the County of Sacramento on a Motion for Summary Adjudication.
- Served on trial team that secured defense verdict following two-week jury trial in the California Superior Court for the County of Orange of action for negligence based on allegations of design defect and operation error.
- Secured dismissal of action alleging negligent design, negligent failure to warn, strict liability manufacturing defect, design defect, strict liability failure to warn, negligence, and gross negligence in the California Superior Court for the County of Orange on a Motion to Dismiss based on Forum Non Conveniens.
- Secured dismissal of putative class action alleging negligence, fraud, intentional misrepresentation, unfair business practices, deceptive advertising, and related claims in the U.S. District Court for the Central District of California on a Motion to Dismiss for Lack of Subject Matter Jurisdiction based on Lack of Article III Standing and Failure to State a Claim.
- Secured dismissal of action alleging negligent infliction of emotional distress in the California Superior Court for the County of Orange on a Motion for Summary Judgment.
- Secured dismissal of action alleging violations of the Unruh Civil Rights Act, the Bane Act, the Disabled Persons Act, and intentional infliction of emotional distress in the California Superior Court for the County of Orange on a Motion for Summary Judgment.
- Served as second-chair trial counsel and secured defense verdict following seven-week jury trial in the California Superior Court for the County of Orange of action for strict and negligent products liability and negligence based on allegations of design defects, manufacturing defects, and warning defects.

- Secured dismissal of action alleging fraud, conversion, unjust enrichment, and accounting in the U.S. District Court of the Central District of California on a Motion to Dismiss for Lack of Standing and Failure to Join Indispensable Party.
- Secured dismissal of cause of action alleging intentional infliction of emotional distress in the California Superior Court for the County of Los Angeles on a Demurrer.
- Secured dismissal of action alleging breaches of fiduciary duties, conversion, fraud, tortious interference with expectancy, accounting, breach of contract, money had and received, and conspiracy in the U.S. District Court for the Central District of California on a Motion to Dismiss for Lack of Personal Jurisdiction and Failure to State a Claim.

Publications

- Changes For Youth Football In California And Beyond, March 28, 2018
- New Calif. Law Will Change Youth Sports Concussion Cases, *Law360*, March 22, 2017
- Star Wars: The Battle to Protect the Rights of Publicity of America's Astronauts, *Hastings Science & Technology Law Journal* 41, Winter 2016
- The High Calling of the Lawyer: Legal Counseling in Light of Natural Law, *16 Ad Veritatem*, Issue 3, March 2011
- Digest: Vargas v. City of Salinas, *13 Chapman Law Review* 467, Winter 2010
- Recognizing and Regulating Home Schooling in California: Balancing Parental and State Interests in Education, *13 Chapman Law Review* 391, Winter 2010

Webinars

- "Webinar: Return to Play: Update on Youth Sports and Concussions," March 20, 2019
- "Speaker, "Webinar: California's Youth Concussion Law AB-2007: Best Practices for your Youth Sports Organization", " February 21, 2018
- "Speaker, "Webinar: Youth Sports: Concussion Concern, Injury Analysis and Compliance with California's New Concussion Law", " June 8, 2017

Education

Mr. Alarcón earned his J.D. *summa cum laude* from Chapman University Dale E. Fowler School of Law in 2010, where he served as the Submissions Editor for the *Chapman Law Review*, and as an academic fellow for law professors in Evidence, Criminal Law, and Legal Research and Writing. Additionally he was a member of the Appellate Moot Court Honor Board, represented an alien before the US Court of Appeals for the Ninth Circuit, and co-authored *amicus curiae* briefs in various appeals before the US Supreme Court. He also worked as a judicial extern for the Honorable David G. Sills, Presiding Justice on the California Court of Appeals, Fourth District, Division Three. He earned his B.A. from Thomas Aquinas College in 2007.

Bar Admissions

- California

Court Admissions

- US Court of Appeals for the Ninth Circuit
- US Court of Appeals for the Seventh Circuit
- US Court of Appeals for the Sixth Circuit
- US Court of Appeals for the Fourth Circuit
- US District Court for the Central District of California
- US District Court for the Northern District of California

- US District Court for the Eastern District of California
- US District Court for the Southern District of California
- US District Court for the Northern District of Indiana
- US District Court for the Northern District of Ohio