

ALISON I. STEIN, Partner

Alison I. Stein is a partner in the firm's nationally recognized Content, Media & Entertainment Practice. In 2020, Ms. Stein was ranked as a top copyright lawyer nationwide by Legal 500, which also named Jenner & Block as one of only seven tier 1 copyright firms. Ms. Stein has previously been recognized as one of only four "Rising Stars" in Media & Entertainment by Law360, which is an honor given to "attorneys under 40 whose legal accomplishments belie their age," and was profiled as a "Rising Star" by the New York Law Journal, which recognizes "the region's most promising lawyers who are no older than 40." Ms. Stein has repeatedly been recognized as a "Super Lawyer" in Intellectual Property by New York Super Lawyers. Ms. Stein's practice focuses on intellectual property counseling and litigation, and on matters involving content protection, copyright infringement, licensing negotiations and transactions, clearance work, copyright terminations, trademark enforcement, trade secrets, unfair competition, defamation, entertainment litigation and contractual disputes.

Ms. Stein represents a wide range of companies and individuals, including media organizations, technology companies, video game companies, television and movie studios, fashion and beauty companies, record labels, financial organizations, authors and individual artists. Her work involves litigation at the trial and appellate court levels. She is frequently called upon by companies and individuals seeking to protect, distribute and leverage content, and has broad experience representing companies in their most complex and high-stakes litigations. Ms. Stein was a key member of a trial team that won a federal jury verdict of \$13.15 million in damages for the Estate of Elaine Steinbeck, the late wife of author John Steinbeck.

Ms. Stein has also represented corporations and individuals in criminal and regulatory matters, including before the United States Department of Justice, the New York Attorney General's Office and the Senate Permanent Subcommittee on Investigations. She advises clients on compliance issues, including ethics and anti-corruption matters.

Ms. Stein maintains an active pro bono practice, which has ranged from filing an amicus brief with the United States Supreme Court on reproductive rights, to representing an individual inmate in a Section 1983 civil rights litigation, and representing artists and performing arts organizations in contract disputes.

Ms. Stein serves on the Board of Directors for Volunteer Lawyers for the Arts as well as the Board of Directors of the Irving Fine Society. She also serves on Jenner & Block's Associate Evaluation Committee.

Prior to joining Jenner & Block, Ms. Stein served as a law clerk to the Honorable Kent A. Jordan of the United States Court of Appeals for the Third Circuit and the Honorable Kimba M. Wood of the United States District Court for the Southern District of New York.

In 2004, prior to attending law school, Ms. Stein founded the Younger Women's Task Force (YWTF), a national organization dedicated to providing younger women with a voice in the policy-making process; she currently serves on its



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PRACTICE GROUPS

Communications, Internet and Technology
Content, Media and Entertainment
Information Technology Disputes
Intellectual Property
Investigations, Compliance and Defense
Litigation
Media and First Amendment
Technology and Sourcing
Trademark, Advertising and Unfair
Competition Practice

EDUCATION

University of Pennsylvania Law School, JD, 2009; *magna cum laude*; Order of the Coif; The Henry C. Loughlin Prize (for best writing in legal ethics); Arthur Littleton and H. Clayton Louderback Legal Writing Instructor; Public Interest Scholarship Award; Pro Bono Service Recognition Award; Senior Editor, *University of Pennsylvania Law Review*

University of Pennsylvania, BA, 2003; *summa cum laude*; Dean's List; Associate Concert Mistress, University of Pennsylvania Symphony Orchestra

ADMISSIONS

New York, 2010

COURT ADMISSIONS

US Court of Appeals, Third Circuit, 2010

US District Court, Southern District of New York

US Court of Appeals, Second Circuit, 2017

JUDICIAL CLERKSHIPS

Hon. Kimba M. Wood, US District Court, Southern District of New York, 2010 - 2011

advisory board as part of the American Association of University Women. Ms. Stein has published multiple articles about issues related to women and the workplace, and has worked internationally on women's issues and other development issues in Haiti, Ghana, Tanzania and Uganda.

Hon. Kent A. Jordan, US Court of Appeals, Third Circuit, 2009 - 2010

Hon. Louis H. Pollak, US District Court, Eastern District of Pennsylvania, 2008 - 2008 (Internship)

Representative matters of Ms. Stein's include:

- Advise Facebook on the composition of the Oversight Board for Content Decisions, specifically as it relates to actual or perceived conflicts of interest of board member candidates, and on other content-related matters.
- Serve as lead counsel for Nintendo of America in multiple Digital Millennium Copyright Act (DMCA) and copyright infringement litigation matters.
- Represent Recording Industry Association of America (RIAA) in copyright infringement litigation against stream-ripping websites.
- Serve as lead counsel for Lincoln Center on various copyright and other cutting-edge intellectual property issues.
- Serve as lead counsel and advise media holding company and several of its agencies and other sports and media companies on various intellectual property and employment related matters.
- *Kaffaga v. Steinbeck et. al.* (C.D. Cal): Key member of a Jenner & Block team that won a federal jury verdict of \$13.15 million in damages for the Estate of Elaine Steinbeck, the late wife of author John Steinbeck, in a weeklong trial over the rights to the writer's works. In 2014, estate executor Waverly Scott Kaffaga sued Thom and Gail Steinbeck, John's son and daughter-in-law, as well as their company Palladin, for wrongly claiming control over the copyrights, harming the catalogue as a whole, and, in particular, interfering with movie deals for *East of Eden* and *The Grapes of Wrath*. By claiming to control the rights, defendants caused Universal and Imagine Entertainment to walk away from a movie deal for *East of Eden* involving Gary Ross and Jennifer Lawrence and interfered with negotiations with DreamWorks for a movie deal involving *The Grapes of Wrath*, depriving the estate of millions of dollars in potential revenue. In November 2016, US District Court Judge Terry Hatter granted Ms. Kaffaga's motion for summary judgment on claims for breach of contract and slander of title, leaving the jury to decide potential damages for those claims and whether Thom (now deceased), Gail and their company wrongfully interfered with the *East of Eden* and *The Grapes of Wrath* projects. The September 2017 verdict, which included \$7.9 million in punitive damages and \$5.25 million in compensatory, clears up much of the confusion about who actually owns the rights to the author's works and allows long-stalled film and television projects to potentially move forward. During the trial, Ms. Stein examined and cross-examined several key witnesses. Many media outlets covered the trial and verdict, including *New York Times*, *Los Angeles Times*, *Associated Press*, *The Hollywood Reporter* and *Variety*, among many others. *Law360*, which also covered the trial and verdict, named the firm one of its "Legal Lions" for the win in its "Weekly Verdict" column. In 2019, the Ninth Circuit upheld the verdict unanimously.

- *Steinbeck et. al v. Kaffaga* (C.D. Cal.): Secured a victory for the Estate of Elaine Steinbeck, the late wife of novelist John Steinbeck, and all of its beneficiaries, when a judge dismissed with prejudice the latest copyright lawsuit filed by Steinbeck's son and granddaughter. That decision was upheld by the Ninth Circuit in a November 2017 decision.
- *Metcalfe v. Ulta Beauty*. (S.D.N.Y.): Represented Ulta Beauty in copyright infringement lawsuit.
- Served as lead counsel for Nielsen Holdings in United States Supreme Court advocacy related to census litigation.
- *Estate of Barre v. Pretty Bird Pictures, et al.* (E.D. La.): Represented music streaming service in copyright infringement litigation arising from alleged use of deceased performer's voice in music video for hit song "Formation" resulting in confidential settlement agreement.
- *Iconix v. Roc Nation Apparel Group, LLC et al.* (S.D.N.Y.): Represented Roc Nation Apparel Group in a dispute with a branding company over the use of the Roc Nation trademark on apparel.
- *Viacom v. Baca* (D. N.M.): Represented studio in copyright and trademark infringement lawsuit against creator of infringing live show based on unauthorized use of studio's valuable franchise.
- *UMG Recordings et. al. v. Escape Media Group* (S.D.N.Y.): Represented major record labels in a copyright infringement case asserting direct and secondary claims against the operators of the Grooveshark music service. Obtained summary judgment ruling that defendants infringed more than 5,000 copyrighted sound recordings. Prepared for jury trial seeking over \$750 million in statutory damages, and obtained major pre-trial ruling that defendants' infringements were willful. Secured consent judgments and favorable settlement resulting in the shutdown of service and the assignment of intellectual property.
- *UMG Recordings v. Escape Media Group* (N.Y. Supreme Court): Represented major record label in a case involving the scope of protection for "pre-1972" sound recordings under New York state common law copyright laws as it related to the unauthorized use of sound recordings on the Grooveshark music service. Obtained decision from the Appellate Division of the New York Supreme Court dismissing the assertion that defenses found in the Copyright Act precluded protection for "pre-1972" sound recordings under state law.
- *Arista Records et. al. v. Vita Tkatch et al.* (S.D.N.Y.): Obtained ex parte domain name seizure order, temporary restraining order and preliminary injunction against counterfeit online music service. Secured a ruling from the Court holding that the preliminary injunction order applied to a third party Internet intermediary that provided services to the enjoined counterfeit service.
- *In re Jason Wulf*: Represent the estate of Jason Wulf ("DG"), a world-renowned street artist. Ms. Stein has represented his estate for years, and worked to help secure copyrights of his works and to stop the unauthorized sale of his art following his untimely death in 2014.
- *The S. Hekemian Group v. The Related Companies, L.P* (S.D.N.Y.): Represented real estate developer in a suit over use of the phrase "The Next Great Neighborhood," defeating a motion for preliminary injunction on the grounds of fair use and failure to show likelihood of confusion resulting in voluntary dismissal of the lawsuit.
- Represent artist management companies and estates in licensing negotiations, transactions and clearance work.
- Trademark enforcement, clearance and litigation work for multiple technology and media companies, and corporations.
- Represented an angel investor in popular website in lawsuit seeking indemnity/advancement of legal fees from ex-company in the Delaware Court of Chancery. Obtained an expedited summary judgment victory.
- Represented an individual angel investor and not-for-profit consortium of angel investors defending claims of breach of fiduciary duty and misappropriation of trade secrets over a popular website in the New York Appellate Division, First Department.

- Represented global publishing company in several copyright-related matters.
- Represented bank executives before the United States Senate Permanent Subcommittee on Investigations into money laundering and terrorist financing.

Her pro bono engagements include:

- *Planned Parenthood of Wisconsin v. Kaul et al.* (D. WI): Represent Planned Parenthood of Wisconsin in federal court litigation challenging a number of Wisconsin laws; won interlocutory appeal in Seventh Circuit on cutting-edge intervention issue.
- National Women’s Law Center Times UP Legal Defense Fund: Serve on Partner Panel.
- *Sulaiman v. Laram* (S.D.N.Y.): Represented two human trafficking victims in lawsuit alleging violations of the Trafficking Victims Protection Act, the Fair Labor Standard Act, and other common law claims. After defeating a motion to dismiss, the case resulted in a confidential settlement.
- Filed amicus brief in the United States Supreme Court on behalf of women’s and health organizations in support of petitioners in the *Whole Woman’s Health v. Hellerstedt* case.
- Represented New York State prisoner in a jury trial in the Southern District of New York on his section 1983 claim of deliberate indifference to serious medical needs that went to a jury trial.
- Represented photographer and documentary filmmaker in the intellectual property management and protection of her work.

Awards

- *Best Lawyers in America*
Litigation: Intellectual Property - 2021
- *Legal 500 US*
“Next Generation Partner,” Copyright - 2020
- *New York Law Journal*
“Rising Star” - 2018
- *Law360*
“Rising Star,” Media & Entertainment - 2017
- *Law360*
“Legal Lion” - September 2017
- *New York Metro Super Lawyers*
“Rising Star,” Intellectual Property Litigation - 2015-2020

Community

- Volunteer Lawyers for the Arts
Member, Board of Directors
- American Association of University Women, The Younger Women’s Task Force
Member, Advisory Board

- Connecticut Women's Education and Legal Fund
Women on the Rise Committee
- The Irving Fine Society
Member, Board of Directors

Industry Organizations

- Copyright Society of the USA
Member

Publications

- Co-Author, "Music Licensing Transformed by the Passage of the Music Modernization Act," *Communications Lawyer*, Winter 2019
- "Sweeping Music Modernization Act Transforms Music Licensing for the Digital Age," Media Law Resource Center, October 2018
- Co-Author, "Making Up Names," *Luxury Law Alliance Newsletter*, July 21, 2017
- "How a Feminist Made 'Big Law' Work for Her," *Penn Law Journal*, Summer 2016
- Co-Author, "High Court Should Look at Texas House Bill 2 in Context," *Law360*, February 26, 2016
- Client Alert: After Thirty Years of Uncertainty, New York State's Highest Court Clarifies the Standard for Obtaining Discovery from a Nonparty, April 16, 2014
- "Dissent in *Peugh* as a Blueprint for Below-Guidelines Sentences," *New York Law Journal*, July 24, 2013

Speaking Engagements

- "Strategic, Practical, and Ethical Considerations in Evaluating, Investigating, and Addressing Workplace Misconduct Claims in the Time of #MeToo, BLM, and Rapid Cultural Change," Association of Corporate Counsel – New York City Chapter CLE, September 30, 2020
- "Career Law Panel," Media Law Resource Center, December 09, 2019
- Panelist, "Women in Firms," Columbia Law School, February 25, 2019
- Panelist, "Virtual Reality," Lattice Society, October 11, 2018
- Co-Moderator, "Media Law Conference 2018," Media Law Resource Center, September 26, 2018
- Panelist, "Digital Media and the Future of Entertainment," Penn Law School, April 03, 2018
- "A Day in the Life of a Copyright Litigator," Vanderbilt Law School, November 14, 2017
- "Mothers In Law: Women and Work-Life Balance," ABA Section of Litigation Diversity & Inclusion Committee, April 06, 2017

