

KATE T. SPELMAN, Partner

Kate T. Spelman is a co-chair of the firm's Consumer Law Practice and has extensive experience handling consumer class actions, commercial disputes, and professional liability matters. She is also an integral member of the firm's food and beverage industry group, which defends major companies against labeling and advertising claims.

Ms. Spelman has litigated numerous consumer class actions in California, Florida, New York, New Jersey and Illinois federal trial and appellate courts on behalf of food, electronics, and auto manufacturers, regularly achieving early dismissals of claims and denials of class certification. Recently, she represented a large food manufacturer in decertifying a class action contesting "natural" cheese labeling, and was part of a team that defeated class certification in a dispute over tea labeling. She also obtained denial of class certification in multiple federal jurisdictions on behalf of a large public food company in one of the first cases to address "all natural" labeling of GMO foods.

Ms. Spelman has significant experience representing and counseling large and mid-sized companies across a wide range of industries on subject matters including commercial contracts, partnership disputes, antitrust claims, allegations of business interference, licensing disputes, allegations of trade secret misappropriation, trademark disputes, and insurance coverage and indemnity matters.

Ms. Spelman also counsels attorneys on professional liability matters. She successfully defended an international law firm against a motion for disqualification and achieved a favorable settlement of a threatened malpractice action.

Ms. Spelman has a robust pro bono practice, including the representation of capital defendants in civil rights litigation, tenants wrongfully evicted from their apartments and immigrants seeking asylum in the United States. She represented an inmate seeking redress for law enforcement officials' alleged use of excessive force, which culminated in a federal jury trial.

Ms. Spelman received her B.A. from Stanford University in 2003 and earned a Juris Doctor from New York University School of Law in 2009, graduating *magna cum laude* and Order of the Coif. She is a member of the California bar and is admitted to practice in the federal courts of California as well as the U.S. Court of Federal Claims. Prior to joining Jenner & Block, she served as a law clerk to the Honorable Francis M. Allegra on the US Court of Federal Claims.

From 2017 until 2019, Ms. Spelman served as an in-house lawyer for The Wonderful Company, where she conducted litigation risk assessments and litigated a wide variety of claims related to The Wonderful Company's numerous food and beverage brands.



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LOS ANGELES

Office: 213 239-2246

Email: kspelman@jenner.com

PRACTICE GROUPS

California Consumer Privacy Act (CCPA)
Class Action
Complex Commercial Litigation
Consumer Law
Food and Beverage
Japan Practice
Litigation
Professional Responsibility
State Enforcement and Regulation
Trademark, Advertising and Unfair
Competition Practice

INDUSTRY GROUPS

COVID-19 / Coronavirus Resource Center

EDUCATION

New York University School of Law, J.D.,
2009; *magna cum laude*; Order of the Coif;
Managing Editor of Development, *New York
University Annual Survey of American Law*

Stanford University, B.A., 2003

ADMISSIONS

California, 2010

COURT ADMISSIONS

US Court of Federal Claims, 2010

US District Court, Central District of
California

US District Court, Southern District of
California

US District Court, Northern District of
California

US Court of Appeals, Ninth Circuit

JUDICIAL CLERKSHIPS

Representative Matters

- Obtained denial of class certification in multiple federal jurisdictions on behalf of a large public food company in one of the first cases to address “all natural” labeling of GMO foods.
- Representing various food companies in numerous class action lawsuits involving “all natural” labeling, alleged GMO ingredients, and alleged violations of FDA regulations.
- Representing attorneys in professional liability matters ranging from threatened malpractice actions to disqualification motions and other allegations of conflicted representation.
- Obtained early dismissal of putative consumer class action on behalf of a large Japanese consumer electronics company.
- Obtained favorable settlements on behalf of multiple Japanese companies in contract and partnership disputes.
- Served on a team representing News Corp subsidiary Move, Inc., as well as the National Association of Realtors and multiple subsidiary companies in a lawsuit against online real estate portal Zillow and two of its senior executives. The plaintiffs, who own and operate the realtor.com website, brought claims for trade secret misappropriation, breach of contract, and breach of fiduciary duty, among others, in the King County Superior Court in Seattle, Washington. The allegations focused on Zillow’s \$3.5 billion acquisition of Trulia, including the misappropriation of trade secrets related to a new product strategy and the destruction of evidence. The case ended with a \$130M settlement on the first day of trial in June 2016.
- Served as an integral member of a team that obtained a \$940 million jury verdict on behalf of Epic Systems Corporation in one of the largest trade secrets matters in U.S. history.
- Obtained favorable settlement on behalf of large lighting control company in breach of contract and interference with business opportunities dispute.
- First-chaired a federal civil rights jury trial representing inmate alleging the use of excessive force by law enforcement in pre-trial detention.
- Representing multiple Central American asylum-seekers in Immigration Court.
- Prevailed on asylum-seeker’s appeal before the Ninth Circuit based on a novel question of statutory interpretation.
- Counseled an action sports company on the sufficiency of employee and consumer liability releases.

Awards

- *Los Angeles Times*
"Legal Visionary," 2021
- *Southern California Super Lawyers*
"Rising Star," Business Litigation, 2014-2020
- *Legal 500*
General Commercial Disputes, 2020

Community

- Public Counsel
Member, Board of Directors

Publications

- *Consumer Finance Observer* - Winter 2021, January 15, 2021
- Co-Author, Client Alert: California Passes Proposition 24: California Privacy Rights Act to Become Law, November 4, 2020
- Co-Author, "Class Actions Seek to Test the Limits of the CCPA's Private Right of Action," *The Recorder*, October 20, 2020
- Co-Author, Client Alert: California's Attorney General's Office Clarifies Points in New Amendments to Regulations, October 14, 2020
- Co-Author, State Reopening Orders Tracker Provides Updated Information on the Changing Economic Landscape – Updated: May 7, 2020 - October 15, 2020, October 9, 2020
- Co-Author, The California Legislature Passes New Amendments to the CCPA, September 8, 2020
- Co-Author, *Consumer Finance Observer* – Summer 2020, September 3, 2020
- Co-Author, Client Alert: Attorney General's Office Submits Final Version of CCPA Regulations for Approval to Meet July 1 Enforcement Deadline, June 3, 2020
- Co-Author, *Consumer Finance Observer* – Spring 2020, May 14, 2020
- "Proposed Amendments to Prop 65 Regulations May Force Changes to E-Commerce Warnings," *The Recorder*, May 4, 2020
- Co-Author, COVID-19: Essential Business Orders – Updated: March 31, 2020; April 2, 2020; April 3, 2020; April 8, 2020; April 13, 2020; April 21, 2020, April 21, 2020
- Co-Author, Client Alert: COVID-19: Essential Business Orders – Issued Before March 31, 2020, March 31, 2020
- Co-Author, Client Alert: COVID-19: Key Takeaways from the Essential Business Orders Issued Thus Far, March 27, 2020
- Co-Author, Client Alert: California Quickly Adopts DHS Guidance on the Essential Critical Infrastructure Workforce, While New York and Pennsylvania Promulgate Their Own Lists of Essential Businesses, March 20, 2020

- Co-Author, Client Alert: Attorney General's Office Makes New Revisions to CCPA Draft Regulations, March 13, 2020
- Co-Author, Client Alert: Attorney General's Office Revises CCPA Draft Regulations, February 10, 2020
- Co-Author, *Consumer Finance Observer* – Winter 2020, February 5, 2020
- Co-Author, Client Alert: New Draft of California Privacy Ballot Initiative Released, November 16, 2019
- "The Intersection of the California Consumer Privacy Act and California's Preexisting Consumer Protection Statutes," *The Recorder*, November 6, 2019
- Co-Author, Client Alert: California Consumer Privacy Act Catalyst Alastair Mactaggart Prepares New Ballot Initiative in Response to the California Legislature's Finalized Amendments, October 2, 2019
- Co-Author, "Ascertaining the Requirements for Ascertainability Under FRCP 23," *New York Law Journal*, October 1, 2015
- "La Societe des Auteurs des arts visuels et de l'Image Fixe (SAIF) v. Google: A Parisian Story of the Berne Convention and Online Infringement Claims," *The California International Law Journal*, Spring 2011
- "Revising Judicial Review of Legislative Findings of Scientific and Medical 'Fact': A Modified Due Process Approach," 64 N.Y.U. Ann. Surv. Am. L. 837, 2009

Speaking Engagements

- Panelist, "Important Developments in Food Law Class Actions," 6th Annual Food Law Conference, March 11, 2022
- Panelist, "Product Liability and the Pandemic: COVID-19 Impacts on Products Liability and Class Actions," ABA, January 28, 2021
- Co-Presenter, "Emerging Ethical Risks with AI," Jenner & Block's CLE Relay, June 19, 2020
- Panelist, "Litigation Case Studies," 5th Annual Food Law Conference, March 03, 2020
- "The Coming Wave? Navigating Enforcement Risks Associated with the Use of Alternative or Sensitive Data," TechGC, February 06, 2020