



## → Fred R. Puglisi

### Partner

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Fred Puglisi is a partner in the Century City office and Practice Group Leader of the Business Trial Practice Group.

### Areas of Practice

Fred has more than 30 years of experience litigating complex and general business claims in state and federal courts. He has successfully defended his clients in more than 100 class actions and more than 30 trials. His experience includes one of the largest defense decisions in a certified class action in California history for State Fund in the 7-month, \$2 billion class action trial, *A&J Liquor Co., Inc. v. State Compensation Ins. Fund*. Fred's work on the matter earned him recognition as a California Lawyer of the Year in 2003. Fred also regularly represents clients before state and federal appellate courts.

### Consumer Class Actions

Fred has successfully defended major consumer brands, healthcare-related entities and insurers against more than 100 class actions alleging violations of California's Unfair Competition Law, False Advertising Law, the Consumer Legal Remedies Act and other consumer protection laws. He has served as lead counsel on numerous cases that have clarified or limited such claims.

### Privacy and Data Security

Fred is a leader in defending clients in actions alleging violations of the Telephone Consumer Protection Act ("TCPA") and California's Invasion of Privacy Act ("CIPA") (Penal Code §§ 630, *et seq.*). He has successfully defended dozens of TCPA and CIPA cases for some of the largest and most prestigious companies in the country. Fred's successful arguments have become the blueprint for defending such cases. Fred also regularly defends clients, including retailers and telecommunications companies, in litigation involving alleged invasions of privacy.

### Healthcare

Fred represents healthcare-related entities in actions alleging fraudulent and unfair billing practices, purported privacy violations, coverage disputes and contractual and ownership disputes.

### Insurance

Fred has successfully defended numerous insurers in class actions involving coverage, bad faith, unfair competition, false advertising and privacy issues, among others.

## Honors

California Lawyer of the Year, Litigation, 2003

Litigation Star, *Benchmark Litigation*, 2015-2021

Best Lawyer in America, *Best Lawyers*, 2013-2022

Southern California Super Lawyer, *Super Lawyers*, 2012-2021

## Experience

### Consumer Class Actions

Fred has successfully obtained dismissal, summary judgment or defeated class certification in the following consumer class actions:

- Represented a leading adult beverage company in a class action alleging false advertising in connection with various promotional contests and games.
- Represented a major league baseball franchise in a class action alleging violation of California Business and Professions Code Section 17200 and fraud arising out of a charitable raffle.
- Represented a provider of cloud-based services in a class action alleging false advertising, breach of contract, unfair business practices and fraud under California Business and Professions Code Section 17200 related to the client's billing practices.
- Represented a manufacturer in a product liability class action alleging the client's water filtration system was defective.
- Represented a financial services company in a class action challenging fees associated with the use of its debit cards.
- Represented a consumer brand in eight class actions alleging product liability, false advertising, unfair competition and Consumer Legal Remedies Act violations.
- Represented a major telecommunications company in numerous class actions alleging unfair business practices, false advertising, privacy, breach of contract violations and other miscellaneous claims.
- Represented a leading financial institution in a class action filed by several California corporations alleging breach of contract, fraud, false advertising and unfair competition.
- Represented several major domestic and foreign airlines in consumer class actions alleging false and misleading advertising, unfair competition and breach of contract.

### Privacy and Data Security

- Represented more than a dozen household name clients in numerous actions alleging violations of California's Invasion of Privacy Act. Defeated all such actions before class certification, on motion to dismiss, on summary judgment and at trial.
- Represented numerous entities in various industries in more than a dozen TCPA class actions. Prevailed in many such actions before class certification, on motion to dismiss and summary judgment.

- Represented a telecom giant in numerous class actions alleging various privacy violations and assorted torts.
- Represented a retailer in a class action alleging the client negligently hired and supervised employees, resulting in the direct violation of customer privacy rights. Case was dismissed on summary judgment and upheld on appeal.
- Represented a haircare company in an action alleging violations of the Fair Credit Reporting Act.

## **Insurance**

- Defense verdict for an insurer in a 7-month, \$2 billion class action trial, one of the largest defense decisions in a certified class action in California. Successfully resolved numerous other class actions brought against the client over the past 20 years as counsel.
- Defense verdict for an insurer after a month-long trial asserting breach of contract, bad faith and fraud in the marketing of an insurance policy.
- Represented several insurers in TCPA-related class actions. Defeated all actions before class certification on motion to dismiss or summary judgment.
- Represented an insurer in a privacy-related class action, following substitution into the case when earlier counsel was unable to favorably dispose of the matter. Defeated class certification and won dismissal of the case.

## **Healthcare**

- Represented several healthcare-related entities in privacy-related actions alleging violations of the TCPA and California's Invasion of Privacy Act.
- Represented several California hospitals in class actions alleging unfair and fraudulent billing practices. Obtained summary judgment, sparing the hospitals expensive class certification motions and settlement.
- Represented a medical company in a contractual and trade secret dispute arising out of the client's cancellation of contracts for the production of radioactive pharmaceutical products. Prevailed on all claims at trial, with the client awarded costs and attorneys' fees.
- Represented a vitamin and supplement manufacturer in an action alleging false advertising and Business and Professions Code Section 17200 violations. Case was dismissed.

## **Entertainment and Digital Media**

- Represented a cosmetic company in a breach of contract dispute arising out of the enforcement of the client's morality clause to terminate its relationship with a brand influencer.
- Represented an entertainment company in an action alleging accounting improprieties and breach of contract. Prevailed at trial with his client being awarded costs and attorneys' fees.
- Represented a leading adult beverage company in a class action alleging false advertising in connection with various promotional contests and games.
- Represented a major league baseball franchise in a class action alleging violation of California Business and Professions Code Section 17200 and fraud arising out of a charitable raffle.

## Trade Secrets

- Represented a software development company in an action alleging violation of trade secrets relating to the marketing of procurement software products. Obtained summary judgment.
- Represented individuals operating in the industrial gas industry in an action alleging violations of the Uniform Trade Secrets Act.

## Articles

- Complying with the TCPA  
*Bloomberg Law*, 04.2021

## Class Action Defense Strategy Blog Posts

- "More on McGill: Ninth Circuit Affirms Order Enforcing Arbitration of Public Injunctive Relief Claims," February 22, 2021
- "The Death of One California Privacy Class Action, and the Birth of Another," December 27, 2019
- "Is Hate Too Strong A Word (When It Comes To Compelling Arbitration In California)?" December 20, 2019

## Media Mentions

Law360's Weekly Verdict: Legal Lions & Lambs  
*Law360*, 03.15.2018

9th Circ. Clears Starbucks In Underfilled Iced Drink Suit  
*Law360*, 03.13.2018

Law360's Weekly Verdict: Legal Lions & Lambs  
*Law360*, 01.12.2018

Starbucks Wins Toss Of Underfilled Latte Class Action  
*Law360*, 01.05.2018

## Memberships

Board Member, Constitutional Rights Foundation  
Former Board member, Association of Business Trial Lawyers  
Member, American Bar Association, (Litigation Section)  
Member, California State Bar, (Litigation Section)  
Member, Los Angeles County Bar Association

## Practices

Litigation

Class Action Defense  
Financial Services Litigation  
Insurance Litigation  
Toxic Tort and Product Liability  
Telephone Consumer Protection Act (TCPA)  
Entertainment and Digital Media  
Healthcare  
International Reach  
International Arbitration  
International Arbitration

## Industries

Entertainment and Digital Media  
Financial Services  
Healthcare  
Hospitality  
Insurance  
Sports

## Education

J.D., University of Minnesota, 1985, *magna cum laude*, *Order of the Coif*  
B.S., University of Minnesota, Duluth, 1982, *cum laude*

## Admissions

Ninth Circuit Court of Appeals  
U.S. District Court for the Central, Eastern, Southern and Northern Districts of California