



TEL: 860-275-8195

FAX: 860-275-8101

glg@avhlaw.com

Connecticut

Practice Areas

- » Complex Litigation
- » Litigation and Regulatory

Gail L. Gottehrer

PARTNER

Gail Gottehrer's practice focuses on class actions and other complex commercial litigation. Ms. Gottehrer has significant class action experience as both defense counsel and as plaintiffs' class counsel. Beyond class actions, Ms. Gottehrer has substantial experience in a wide variety of complex commercial cases in federal and state courts across the country. She also advises employers on labor and employment matters. Ms. Gottehrer has extensive experience managing cases involving the collection, review and production of large amounts of electronically stored information ("ESI") and other documents. Ms. Gottehrer is a frequent speaker on E-Discovery issues.

Representative Cases include:

In Re: Enfamil LIPIL Marketing and Sales Practices Litigation, (No.11-MD-2222-JIC, S.D. Fla. 2011): After predecessor firm briefed unsuccessful opposition to class certification, AVH obtained permission from Eleventh Circuit Court of Appeals to take interlocutory appeal pursuant to Federal Rule 23(f) of district court's order granting class certification. Following order from Judicial Panel on Multidistrict Litigation ("JPML") granting defendant's motion to consolidate eight class actions alleging Mead Johnson falsely represented that its product is the only infant formula that contains certain healthy fatty acids, reached nationwide settlement involving the provision of individual notice to millions of potential class members by e-mail and postal mail.

Valdez v. Metropolitan Property & Casualty Insurance Company, et al., (No. 11-cv-507, D.N.M. 2011): Representing Travelers in multi-defendant putative class action involving New Mexico insurance law compliance issues. The case was removed under the Class Action Fairness Act ("CAFA") and a motion to remand it to state court is pending.

Direct-Marketing und Vertriebs AG v. Herbst and FFI Corporate LLC, (No. 10-1386, D. Ct. 2010): Obtained temporary restraining order (“TRO”) against former distributor of Swiss corporation, enjoining former distributor from misappropriating trade secrets, misusing trademarks and the corporation’s URL, and from publishing defamatory material about corporation on websites or by e-mail.

Ruschmeyer v. Lydall, Inc., (Conn. Super. Ct., Complex Litigation Docket, 2010; Court of Chancery of State of Delaware, 2010): Represented defendant in action in Connecticut Superior Court brought by former officer alleging breach of employment agreement and stock option agreements, violation of ERISA, and spoliation of evidence. Also represented defendant in action brought in Delaware Chancery Court seeking advancement and indemnification.

Artie’s Auto Body, Inc., et al. v. The Hartford Fire Insurance Company, (Conn. Super. Ct., Complex Litigation Docket, 2009): AVH successfully tried one of the very few class action cases ever to have gone to trial. Claiming unfair trade practices, the plaintiff class sought over \$100 million in compensatory damages and over \$300 million in punitive damages. In addition, plaintiffs sought to close down The Hartford’s entire “direct repair” program. AVH was brought in as substitute counsel to try this class action after the class had been certified, and after class certification was affirmed.

State of Connecticut v. Energy East Corporation, 2008 Conn. Super. LEXIS 769 (Conn. Super. 2008): Defeated State of Connecticut’s claims for temporary injunction to prevent State’s office buildings from being deprived of heat and air conditioning in multi-million dollar action. The State’s emergency appeals to the Appellate Court and the Connecticut Supreme Court were also dismissed.

Asch Webhosting, Inc. v. Adelpia Business Solutions Investment, LLC, (D.N.J. 2007): Obtained dismissal of multimillion dollar claims for breach of contract involving the willful discontinuance of Internet service. 2007 U.S. Dist. LEXIS 52932, aff’d, 2009 U.S. Dist. LEXIS 33778 (3d Cir 2010); rehearing en banc denied (3d Cir. 2010).

Barrett v. TEMA Development (1988), Inc., 463 F. Supp. 2d 423 (S.D.N.Y. 2006), aff’d, 251 Fed. Appx. 698 (2d Cir. 2007): Obtained dismissal of multimillion dollar breach of contract and breach of fiduciary duty claims for lack of personal jurisdiction.

Murphy, et al. v. United Services Auto Assn., et al., 2005 Del. Super. LEXIS 159 (Del. Sup. Ct., 2005): Represented Hartford Underwriters Insurance Company in successful motion to dismiss class action. Class representatives were found to lack standing regarding claims that defendant insurance

companies unfairly denied full payment for medical expenses.

Greiff v. Cellco Partnership d/b/a Verizon Wireless, No. GD 01-14629 (Ct. of Common Pleas, Allegheny County, PA 2004): Negotiated phone card settlement of four putative class actions brought by purchasers of cell phone insurance against Asurion and cellular phone service providers, including Verizon, Sprint, and Cellular One, and served as lead counsel for the defendants in the settlement, which included approximately 40 million class members.

Conti v. Adelphia, No. 99-12602 (Ct. of Common Pleas, Delaware County, PA 2002): Based on a defense of the Voluntary Payment Doctrine, the court dismissed three consolidated class actions brought by subscribers in Pennsylvania challenging the company's late fee policy.

Green v. Adelphia, 443-8-99-WNCV (Washington Super. Ct., Washington County, VT 2002): Won summary judgment in three consolidated putative class actions in Vermont based on the Filed Rate Doctrine despite a previous order from the Vermont Public Service Board which held that Adelphia's late fees were "unlawful" and found that Adelphia's late fees had never been approved by the Public Service Board.

Baskins v. Culligan International Co., No. BC 186154 (L.A. Superior Ct. 2001) and Garcia v. Culligan International Co., No. BC 177201 (L.A. Superior Ct. 2001): In two putative class actions, with plaintiffs seeking \$160 million in damages for violations of California consumer protection laws, court denied class certification where each of seven named class representatives was found to be an inadequate class representative.

SPEAKING ENGAGEMENTS, SEMINARS AND PUBLICATIONS

"The Impact of Recent U.S. Supreme Court Decisions and Trends in E-Discovery on the Federal Rules of Civil Procedure," presentation to the Connecticut Chapter of the Association of Corporate Counsel, December 14, 2011

"Industry Trends and Case Law" and *"News Flash . . . It's Early Data Assessment,"* presented at Kroll Ontrack E-Discovery Certification Course, October 27-28, 2011

"Time for Change? Amending the Federal Rules of Civil Procedure," presented at Association of Certified E-Discovery Specialists Web Seminar, November 11, 2011

Co-author of Complex Litigation chapter of *Library of Connecticut Civil Discovery Forms*, published by The Connecticut Law Tribune (2011)

"Recent Supreme Court Decisions - Have They Really Made a Dramatic Change on the Way the Courts Apply the Federal Rules?," presented at Connecticut Law Tribune In-House Counsel CLE Lecture, November 16, 2011

Bar & Court Admissions

- » Connecticut
- » New Jersey
- » New York
- » Pennsylvania
- » U.S. Court of Appeals for the Second Circuit
- » U.S. Court of Appeals for the Third Circuit
- » U.S. Court of Appeals for the Eleventh Circuit
- » U.S. District Court for the District of Connecticut
- » U.S. District Court for the District of New Jersey
- » U.S. District Court for the Southern District of New York
- » U.S. District Court for the Northern District of New York
- » U.S. District Court for the Eastern District of Pennsylvania

Education

- » University of Pennsylvania Law School, Philadelphia, PA 1992 J.D.
- » Binghamton University (formerly State University of New York at Binghamton), Binghamton, New York, 1989 B.A. with Adjunct in School of Management. Phi Beta Kappa.

Professional Activities

- » Greater Hartford Legal Aid Foundation, Member of Board of Directors