



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.

Representative Cases include:

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

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Practice Areas

» Complex Litigation

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.

Bar & Court Admissions

- » Connecticut
- » New Jersey
- » New York
- » Pennsylvania

Gail L. Gottehrer (continued)

- » U.S. Court of Appeals for the Second Circuit
- » U.S. Court of Appeals for the Third 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.