



# Eileen M. Ahern

PARTNER

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## Eileen's Biography

Clients retain Eileen Ahern as counsel because of her reputation as a tenacious litigator and an incisive strategic advisor. She couples these attributes to best position her clients' cases for success, whether in court or by a tactically advantageous settlement.

Eileen litigates a wide range of commercial matters. She specializes in defending against California and nationwide consumer class actions alleging violations of California's Unfair Competition and False Advertising Laws, and other consumer claims. She also regularly litigates complex contract disputes for both plaintiffs and defendants, and defends product liability matters. Eileen's clients have spanned a cross section of industries, including consumer products, technology, telecommunications, financial services, utilities, and automotive. By focusing on strategy issues, critical early motion practice, and positioning for victory in opposing class certification, Eileen has secured a long track record of favorable results for her clients.

Eileen was recognized by **Daily Journal** for securing a "Top 20 Defense Verdict" on behalf of Ticketmaster in a putative class action. Her work consistently garners attention in the industry, earning her recognition as one of the "Top Women Attorneys in Southern California" by **Super Lawyers** and a "Local Litigation Star" in California by **Benchmark Litigation**. Recently, Eileen won on a motion to dismiss on behalf of a financial services client, garnering a dismissal with prejudice of a claim for violation of the Consumer Legal Remedies Act, after prevailing on a

## Education

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Columbia Law School, J.D., 2001

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College of the Holy Cross, B.A., 1998

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## Bar Admissions

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Admitted to the State Bar of California

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United States Court of Appeals for the Ninth Circuit

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United States District Court for the Central District of California

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United States District Court for the Northern District of California

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United States District Court for the

novel, hotly-contested defense. Eileen **won another recent motion to dismiss** by prevailing on an Section 230 immunity defense on behalf of her client, a widely known social media company, in a high-stakes product liability matter. In another case of note, Eileen **defeated certification of a putative class action** alleging violations of a California consumer privacy statute on behalf of a retailer client.

Before joining Willenken in 2008, Eileen practiced at Gibson, Dunn & Crutcher LLP for six years. She maintains a dedicated pro bono practice and has worked on matters with **Public Counsel**, the **Legal Aid Foundation of Los Angeles**, and **Kids in Need of Defense** (KIND). Eileen currently is representing two unaccompanied minors who are seeking asylum.

## Honors

- **Benchmark Litigation**, “Local Litigation Star” (2018-2022), “Benchmark California Star” (2019-2022)
- **Daily Journal**, “Top 20 Defense Verdict” (2015)
- **Super Lawyers**, “Super Lawyer” (2021-2022, 2017), “Rising Star” (2009-2016), “Rising Stars, Top Women Attorneys in Southern California” (2013)

## Winning Matters

- **Willenken Secures Dismissal of High-Stakes Suit at the Pleading Stage**
- **The Streak Continues: Willenken Defeats Class Certification Again**
- **Class Action Against Ticketmaster Dismissed**

## Cases

The following is a representative sample of Eileen’s casework:

- **Geoff Chait v. Harbor Freight Tools, USA, Inc.** Defeated a class certification motion in a putative class action in which the plaintiff alleged violations of the Song-Beverly Credit Card Act, successfully persuading the court with Harbor Freight Tool’s interpretation of the Act.
- **School Board v. Leading Social Media Company.** Secured a motion to dismiss at the pleading stage by prevailing on an immunity defense on behalf of a leading social media app company in a high-stakes product

Southern District of California

United States District Court for the  
Eastern District of California

## Practice Areas

Class Action Defense

Complex Commercial Litigation

Financial Services

Product Liability



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liability matter.

- ***Individual Consumers v. National Discount Tool and Equipment Retailer***. On behalf of a national discount tool and equipment retailer in a product liability lawsuit in which three plaintiffs alleged that the firm's client sold a defective product that caused permanent, disfiguring injuries, successfully filed a forum *non conveniens* motion to move the case from California to Georgia where the accident occurred. After securing motion *in limine* rulings excluding expert opinions bearing on product defect issues, the parties settled on very favorable terms for the firm's client, terms which likely could not have been secured had the case remained in California.
- ***Hotel Owner v. Leading Hotel Company***. Prevailed in an arbitration defending one of the world's leading hotel companies against a claim brought by the hotel owner, in which tens of millions of dollars were potentially at stake. The arbitrator ruled in favor of the firm's client on all issues and, on her own initiative, also awarded the firm's client its attorneys' fees and costs, which were discretionary under the parties' agreement.
- ***Pamela Gossoo v. Microsoft Corporation***. Defeated class certification in a putative consumer class action alleging violation of the Song-Beverly Credit Card Act based upon the alleged illegal collection of personally identifiable information from consumers in brick-and-mortar stores—even in the wake of scores of retailers settling these claims on a class-wide basis across California.
- ***Brian Luko v. Ticketmaster, LLC***. Secured judgment on the pleadings in Ticketmaster's favor without leave to amend in a Song-Beverly Credit Card Act class action case, which was named a "Top 20 Defense Verdict" in California by *Daily Journal*.
- ***Lucy Mirando v. Ticketmaster, LLC***. Prevailed against the odds on a motion to compel individual arbitration in a consumer putative class action against Ticketmaster.
- ***Kelly Reed et al. v. NBTY, Inc. et al.*** Secured summary judgment in favor of dietary supplement manufacturer defendants in a class action alleging violations of Cal. Bus. & Prof. Code 17200, Cal. Bus. & Prof. Code 17500, and Cal. Civ. Code 1750 in connection with workout supplements.
- ***Richard Haley v. The Procter & Gamble Company et al.*** Defended Procter & Gamble in a putative class action, in which the plaintiff alleged product liability, warranty, and violation of the Consumer Legal Remedies Act ("CLRA") claims. After eliciting significant admissions from the plaintiff and key witnesses at depositions, the plaintiff agreed to an individual settlement on terms very favorable to Procter & Gamble.
- ***Southern California Gas Company v. Syntellect, Inc.*** After prevailing on a motion for summary adjudication of liability, which the Ninth Circuit affirmed, secured a \$9.6 million judgment in a patent infringement



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indemnity action on behalf of the country's largest gas distribution utility.

- *Webceleb, Inc. v. Procter & Gamble et al.* Successfully defended Procter & Gamble in a trademark infringement action stemming from its popular People's Choice Award Show, prevailing on summary judgment and affirmed by the Ninth Circuit.
- *Chad R. Ennis v. Warlock Powerboats, Inc. et al.* On behalf of KeyBank, obtained summary judgment in the bank's favor on claims for alleged violation of the Song-Beverly Consumer Warranty Act.

## Clients

The following is a representative sample of Eileen's clients:

- Spectrum Brands
- Harbor Freight Tools, USA, Inc.
- KeyBank, N.A.
- Cash Depot Ltd.
- J.D. Power

## Speaking Engagements

- Panelist, "Improving Your Odds: How to Avoid Consumer Litigation and Class Actions and Position Your Case for a Better Outcome When You're Sued," [ACC Southwest Ohio Chapter CLE Presentation](#) (October 17, 2019)
- Panelist, "Hosting Content on Your Website? What You Need to Know About Section 230 of the Communications Decency Act," with Nicole Diaz, Global Head of Integrity & Compliance Legal at Snap Inc. and Noah Perez-Silverman, Associate General Counsel at Snap Inc., [In-House Focus CLE program](#) (September 24, 2019)
- Panelist, "The In-House Counsel's Consumer Class Action Defense Checklist," [ACC Washington Chapter 2nd Annual Business Summit](#) (September 13, 2018)
- Panelist, "The In-House Counsel's Class Action Defense Checklist," ACC Minnesota Chapter CLE Lunch and Learn (June 7, 2018)
- Presenter, "Class Action Highlights 2015," ACC Southwest Ohio Chapter CLE Presentation (November 17, 2015)



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# Professional Affiliations

- Leadership Council on Legal Diversity, *Fellow* (2014)



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