



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 specializes in counseling and defending clients in high-stakes consumer matters, including consumer protection and privacy class actions, and Section 230 litigation. She also regularly defends product liability matters and litigates complex contract disputes. Eileen's clients have spanned a cross section of industries, including technology, telecommunications, consumer products, financial services, utilities, and automotive. By focusing on strategic advice, 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's work consistently garners attention in the industry, earning her recognition as a "Local Litigation Star" in California by **Benchmark Litigation**, and one of the "Top Women Attorneys in Southern California" by *Super Lawyers*. Recently, Eileen **won a motion to dismiss by prevailing on a 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. In another putative class consumer action alleging privacy claims, Eileen was recognized by **Daily Journal** for

Education

Columbia Law School, J.D., 2001

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

Bar Admissions

Admitted to the State Bar of California

United States Court of Appeals for the Ninth Circuit

United States District Court for the Central District of California

United States District Court for the Northern District of California

United States District Court for the

securing a “Top 20 Defense Verdict” on behalf of Ticketmaster by prevailing on a motion for judgment on the pleadings.

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” (2017, 2021-2022), “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:

- *Doe v. Leading Social Media Company*. Prevailed on a Section 230 immunity defense asserted in a motion to dismiss in a suit in which the plaintiff alleged negligence by the firm’s social media company client caused alleged abuse and assault.
- *School Board v. Leading Social Media Company*. Prevailed on a Section 230 immunity defense in a high-stakes product liability matter, in which it was alleged that the firm’s social media company’s product caused a minor’s death.
- *Pamela Gossoo v. Microsoft Corporation*. On behalf of Microsoft, 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

Southern District of California

United States District Court for the
Eastern District of California

Practice Areas

Appellate Litigation

Class Action Defense

Complex Commercial Litigation

Financial Services

Product Liability



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consumers—even in the wake of scores of retailers settling these claims on a class-wide basis across California.

- ***Geoff Chait v. Harbor Freight Tools, USA, Inc.*** Defeated a class certification motion in a putative class action in which the plaintiff alleged the illegal collection of consumers' personal information, in violation of the Song-Beverly Credit Card Act, successfully persuading the court with Harbor Freight Tool's interpretation of the Act.
- ***Schertzer v. Bank of America, et al.*** On behalf of one of the nation's largest independent ATM providers, in a putative nationwide class action alleging violation of various consumer protection statutes based on alleged illegal fees, filed a motion to dismiss the complaint that was granted in full, including with prejudice as to the consumer statutory claim under which damages and punitive damages were available. A significantly narrowed, amended complaint on behalf of a California-only class was filed. Shortly thereafter, the firm's client and the plaintiff settled on an individual basis. The case remains pending against other defendants.
- ***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.
- ***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.



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- *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 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. Enniss 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
- Microsoft

Speaking Engagements

- Panelist, “In-House Counsel’s Consumer Class Action Defense Checklist: Positioning Your Case for a Better Outcome,” [ACC Chicago Chapter CLE Presentation](#) (August 30, 2022)
- 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



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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)

Professional Affiliations

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



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