Christopher Chorba

Partner

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Chris Chorba is co-chair of the firm's Class Actions Practice Group. He specializes in defending class actions and complex litigation. He has substantial experience across a broad range of complex commercial matters at the trial and appellate level in California and throughout the country, and in multi-district litigation (MDLs). His litigation and counseling experience includes work for companies in every industry—including automotive, beauty / cosmetic, consumer products, education, entertainment, financial services, food and beverage, health care, insurance, life sciences, retail, social media, sports and gaming, technology, telecommunications, and utility / energy.

Chris has been recognized in *Chambers USA: America's Leading Lawyers for Business* and in *The Best Lawyers in America* for Commercial Litigation. *Benchmark Litigation* acknowledges Chris as a "Litigation Star," and *Law360* also named Chris a "Class Action MVP," which profiles attorneys who have "distinguished themselves from their peers by securing hard-earned successes in high-stakes litigation, complex global matters and record-breaking deals." *The National Law Journal* also identifies him as a "Trailblazer" for his work defending consumer class actions, and *Lawdragon* recognizes him as one of "500 Leading Litigators in America" and the "500 Leading Global Litigators."

After graduating *cum laude* from the Georgetown University School of Foreign Service, Chris received his J.D. from the University of Virginia School of Law, where he served on the Editorial Board of the *Virginia Law Review*. He is admitted to practice before all state and federal courts in California, the Ninth Circuit Court of Appeals, and the Supreme Court of the United States.

Class and Representative Actions

Chris is a nationally recognized expert in defending class actions, including claims involving California's Unfair Competition and False Advertising Laws (Business & Professions Code § 17200 and § 17500), the Consumers Legal Remedies Act (California Civil Code § 1750 *et seq*.), the Lanham Act, and the Class Action Fairness Act of 2005. His representative class and representative actions include the following:

- Secured an order denying Rule 23(b)(2) and (b)(3) certification in a putative class action challenging the accuracy of Facebook's ad targeting.
- Defended major technology manufacturer in nationwide multi-district litigation (MDL 2827) involving flagship smartphone devices. Secured early ruling dismissing all statutory and common law fraud claims with prejudice, as well as all claims based on a broad theory that the devices were "defective." Negotiated nationwide class settlement, and assisted with companion state JCCP action and other proceedings across the country.
- Secured dismissal of entertainment company and content creator in putative class action alleging that placement of videos on YouTube constitutes a violation of

Capabilities

Class Actions
Appellate and Constitutional Law
Artificial Intelligence
Betting and Gaming
Consumer Products and Retail
Consumer Protection
Employee Retirement Income Security Act (ERISA) Litigation
Environmental
FDA and Health Care
Insurance and Reinsurance
Life Sciences
Litigation
Mass Torts and Product Liability
Media, Entertainment, and Technology
Privacy, Cybersecurity, and Data Innovation
State Attorneys General
Tech and Innovation
Technology Litigation
Trials

Credentials

Education

University of Virginia - 2001 Juris Doctor
Georgetown University - 1996 Bachelor of Science

Admissions

California Bar

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federal Children's Online Privacy Protection Act ("COPPA") and California state privacy laws.

- Served as lead counsel for retailer in multi-district litigation (MDL 3032) involving alleged pest infestation at distribution center. Negotiated favorable settlement resolving all claims.
- Secured dismissal with prejudice of UCL and express warranty claims in putative class actions alleging "defect" in 8-speed automatic transmissions in several Toyota vehicles.
- Representing online sports-betting company in class actions challenging product marketing and alleged data incident.
- Serving as national counsel for home warranty company in defending putative class actions and "mass" arbitrations involving home warranty contracts. Tried several dozen arbitrations to successful resolutions.
- After defeating class certification, secured case-terminating sanctions in long-running action against pharmacy benefits managers (PBMs) for spoliation of evidence. Secured appellate ruling affirming judgment on separate ground (collateral estoppel).
- Defeated class certification in a series of significant overpayment recovery class actions against a major health insurer and plan administrator. Plaintiffs sought certification under every prong of Rule 23—(b)(1), (b)(2), (b)(3), and (c)(4)—and the court rejected certification on all grounds, even though other courts had granted certification in similar cases.
- Obtained order decertifying Telephone Consumer Protection Act (TCPA) class action against major technology company. Following decertification, obtained summary judgment determining that company's system did not qualify as an automatic telephone dialing system (ATDS) as required to support TCPA claim.
- Defended University of Southern California against high-profile ERISA retirement fees class action. Secured dismissal of all individual defendants and all claims for breach of duty of loyalty and "prohibited transactions," and persuaded court to strike demand for jury trial. Negotiated classwide settlement.

Appeals

Chris has argued several appeals before the federal and state courts of appeal, including the United States Court of Appeals for the Ninth Circuit:

- Secured dismissal with prejudice of novel "car hacking" claims against Toyota based on the lack of Article III standing, and defended that judgment on appeal.
- Represented leading technology company in data privacy class action alleging violations of Wiretap Act, California Invasion of Privacy Act, and other statutes. Secured denial of certification of all claims for statutory damages, and prevailed on appeal in defending classwide settlement for only injunctive relief.
- Obtained dismissals with prejudice of all five product liability actions against major technology company involving alleged liability for "distracted driving" accidents, and successfully defended all of these wins on appeal.
- Secured the reversals on appeal of judgments totaling $295 million in three certified class actions in New Mexico and California involving installment payment plans for auto insurance policies.

Trials

- Assisted in the defense of a complex fraud and civil conspiracy action brought by the California Insurance Commissioner, which resulted a favorable defense verdict on five of six liability claims and all claims for monetary damages following a lengthy federal jury trial spanning several months, and a post-verdict order rejecting any punitive damages. Secured favorable jury verdict in limited retrial,

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resulting in no award of compensatory damages despite the Commissioner's demand for $4 billion. The *Daily Journal* recognized this victory as one of its Top Defense Verdicts of the year.

- Retained by product manufacturer to handle federal Lanham Act trial following an adverse, eight-figure jury verdict after initial trial. Secured exclusion of all damages evidence on the eve of the retrial, which resulted in a complete win for our client on all of plaintiff's claims. Successfully defended the favorable judgment on appeal.

Selected Publications

- Associate Editor, American Bar Association, *A Practitioner's Guide to Class Actions* (and co-author of chapters on "Other Due Process Challenges to Class Device" and "Aggregation or Stacking of Penalties or Punitive Measures")
- Chapters on "Bus. & Prof. Code §§ 17200 and 17500, and the California Consumers Legal Remedies Act," in *California Civil Procedure Before Trial: Claims and Defenses*(The Rutter Group)
- "Expert Analysis of Class Certification Issues," in *Litigation Services Handbook: The Role of the Financial Expert*

Selected Presentations

- Served as Co-Chair of Steering Committee, Cambridge Forum on Defense of Class Action Litigation
- "Class Action Trends in the Appellate Process," Western Alliance Bank 3rd Annual Class Action Law Forum, April 22, 2021
- "Drafting Blow-Up Provisions in Class Action Settlement Agreements," Strafford Webinars, October 28, 2020.
- "*Resolving The Dispute Over Injunctive Relief Class Actions*," Bridgeport Consumer Class Action Litigation Conference, January 8, 2016
- "*State of the Law on Consumer Class Actions*," 2015 National Consumer Class Action Litigation & Management Conference (Bridgeport), January 9, 2015
- "Other Pivotal Residential Mortgage Class Action Issues Currently in Play and Coming Down the Pike from the U.S. Supreme Court: Class Certifications, CAFA, Removal and More," 12th National Forum on Residential Mortgage Litigation & Regulatory Enforcement (ACI), January 16, 2014
- "Overview of U.S. Class Actions, Defending and Managing Litigation Against Financial Institutions" (C5 Global Conferences, London UK), November 28-29, 2012

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