Al Kelly

Associate Attorney

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Denver



Al Kelly is a senior associate at Gibson Dunn. His practice focuses on complex litigation, with a particular focus on representing clients at the trial and appellate level in cases involving consumer-protection issues and mass torts. Al serves on the steering committees for the firm's Class Actions and Consumer Products and Retail practice groups.

Some of Al's recent, non-confidential matters include:

- *Falcone v. Nestlé USA, Inc.*, (S.D. Cal., 9th Cir.) (defending against consumer-deception claims relating to the global supply chain).
- *Plastic Pollution Coalition v. Keurig Dr Pepper et al.* (D.C. Superior Court) (defending against novel litigation brought by an activist group challenging company statements about recycling and plastic bottles).
- *Jeruchim v. The J. M. Smucker Co.* (9th Cir.) (defending against claims regarding alleged omissions about PFAS in pet-food packaging, including obtaining 23(f) appellate review of a class-certification order).
- *Whiteside v. Kimberly-Clark Corp.* (C.D. Cal., 9th Cir. 2024) (won dismissal of false-advertising claims challenging the "natural care" and "plant-based" representations on a baby wipes product and secured opinion affirming dismissal).
- *In re Nestle Boost Nutritional Drink Litigation* (N.D. Cal., D.N.J., 9th Cir.) (defended against claims filed in multiple jurisdictions relating to the labeling and advertising of a nutritional drink designed for people with diabetes).
- *Hasemann v. Gerber Products Co.* (E.D.N.Y. 2025) (represented a company facing a certified class of consumer-deception claims and ultimately obtained judicial approval of a claims-made settlement).
- *Mikhchi v. Zara USA, Inc.* (C.D. Cal. 2024) (defended against false-advertising claims related to the advertised pricing of apparel products).
- *Earth Island v. Crystal Geyser et. al* (Cal. State Ct.) (defended against novel public-nuisance claims brought by a nonprofit against major packaged-goods manufacturers).
- Advising a Grammy award-winning artist on regulatory and advertising issues related to the launch of a food business.

Al also has extensive experience assisting clients in confidential investigations by state and federal regulators into environmental and consumer-protection issues. In addition, Al regularly advises clients on compliance and litigation risk, with a particular focus on supply-chain risks, food law, and ESG issues.

Al dedicates substantial time to pro bono matters and has successfully litigated multiple

Capabilities

Litigation
Appellate and Constitutional Law
Class Actions
Consumer Products and Retail
ESG: Risk, Litigation, and Reporting
Environmental
First Amendment and Free Expression
Mass Torts and Product Liability

Credentials

Education

Harvard University - 2020 Juris Doctor
University of Colorado - Denver - 2013 Bachelor of Arts

Admissions

Colorado Bar
District of Columbia Bar

Clerkships

Colorado Supreme Court, Hon. Justice Marquez, 2020 - 2021

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constitutional challenges on behalf of his clients, which include non-profits and indigent criminal defendants facing disproportionate punishment for petty offenses. *E.g.*, *In re People v. Camp*, 581 P.3d 763 (Colo. 2025) (argued appeal and obtained unanimous reversal in a widely reported opinion setting new sentencing-equity rules for offenses in municipal court).

Prior to joining the firm, Al served as a law clerk for the Honorable Justice Monica M. Márquez of the Colorado Supreme Court. He graduated *cum laude* from Harvard Law School in 2020, where he was awarded best brief in both the semi-finals and finals of the Ames Moot Court competition. Al received his Bachelor of Arts in History from the University of Colorado Denver.

Al is admitted to practice in Colorado and the District of Columbia.

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