

Timothy W. Loose

Partner

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Los Angeles

Tim Loose is a partner in the Los Angeles office of Gibson, Dunn & Crutcher and a member of the firm's Litigation, Class Actions, and Privacy, Cybersecurity and Data Innovation Practice Groups.

Mr. Loose has extensive experience in a broad range of business litigation, with a focus on class actions. He frequently defends the products and advertising of companies in the technology, banking, automotive, healthcare, food and entertainment industries, and he has successfully defended several companies in state and federal court against claims of unfair business practices, false advertising, and concealment.

He has been recognized by *Law360* as a "Rising Star" in Class Actions, and also as a "Rising Star" in Cybersecurity & Privacy. He was named to *Global Data Review's* "40 Under 40" list, as one of "the 40 individuals who represent the best and the brightest of the data law bar around the world."

Representative Matters Include:

- Obtained dismissal with prejudice of false advertising claims brought against major manufacturer of nutritional drinks. *Horti v. Nestle*, N.D. Cal. 2022.
- Obtained dismissal with prejudice of unfair competition and tort claims asserted against multinational Internet company. *Xianhua v. Yahoo!*, N.D. Cal. 2022.
- Obtained dismissal with prejudice of false advertising claims brought against major university. *Tamboura and Riffel v. USC*, N.D. Cal. 2021.
- Obtained summary judgment and appellate affirmance of unfair competition claim involving pricing of motorcycles. *Baker v. Yamaha*, Cal. Ct. App. 2021.
- Obtained dismissal at the pleading stage of false advertising case brought against major manufacturer of baby care products. *Morales v. Kimberly-Clark*, S.D.N.Y. 2020.
- Obtained order decertifying Telephone Consumer Protection Act (TCPA) class action against major technology company.
- Obtained dismissal with prejudice of alleged mislabeling and false advertising claims against manufacturer of carbonated soft drinks. *Maxwell v. PepsiCo*, N.D. Cal. 2018.
- Obtained summary judgment for automotive client facing hundreds of millions of dollars in alleged liabilities, in lawsuit arising under the Telephone Consumer Protection Act (TCPA). *Edelsberg v. Vroom, Inc.*, S.D. Fla. 2018.
- Secured appellate affirmance of summary judgment order in favor of healthcare client in multi-million dollar action. *Port Medical v. ILWU-PMA Welfare Plan*, Cal. App. (2d Dist.) 2018.
- Obtained dismissal with prejudice of putative nationwide class action complaint against healthcare client alleging breach of contract, fraud, unfair business practices, and RICO violations. *Yagman v. Kelley*, C.D. Cal. 2018.
- Secured the dismissal, with prejudice, of consolidated putative nationwide class

Capabilities

Class Actions
Consumer Products and Retail
Consumer Protection
Environmental Litigation and Mass Tort Litigation
Privacy, Cybersecurity, and Data Innovation
Product Liability
Tech and Innovation
Technology Litigation

Credentials

Education

University of California - Los Angeles - 2005 Juris Doctor
University of California - Berkeley - 2002 Bachelor of Arts

Admissions

California Bar

Clerkships

USDC, Central District of California, Hon. Ronald S.W. Lew, 2005 - 2006

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action lawsuits brought by dozens of plaintiffs alleging fraud and concealment claims under numerous consumer protection and warranty laws, and successfully defended the dismissal on appeal. *Williams, et al. v. Yamaha Motor Co., U.S.A.*, 851 F.3d 1015 (9th Cir. 2017).

- Secured summary judgment in action alleging over a million dollars in damages based on alleged breaches of express and implied warranties in outboard marine engines. *Schultz v. Yamaha Motor Co.*, (Orange Super. Ct. Aug 1, 2017).
- Obtained dismissal of action challenging the legality of fantasy sports in Massachusetts and seeking over \$1 billion in damages. *Patriots for Legal Equality v. DraftKings, Inc.* (Suffolk County (Mass.) Super. Ct. 2016).
- Secured summary judgment for healthcare client in claim brought by medical provider regarding over a million dollars in allegedly unpaid bills for chiropractic and medical services. *Port Medical Wellness, Inc. v. Connecticut General Life Ins. Co.* (L.A. Super. Ct. Apr. 7, 2016).
- Obtained dismissal, with prejudice, of putative federal class action lawsuit asserting claims arising under ERISA, brought against third-party healthcare administrator. *Armijo v. ILWU-PMA Welfare Plan, Inc.* (C.D. Cal. Feb. 3, 2016).
- Secured dismissal of putative nationwide class action lawsuit involving multiple models of automobiles and asserting claims sounding in consumer protection, warranty, and invasion of privacy. *Cahen v. Toyota Motor Corp.*, 147 F. Supp. 3d 955 (N.D. Cal. Nov. 25, 2015), *aff'd* (9th Cir. Dec. 21, 2017).
- Successfully defended a national e-commerce client against a putative class action lawsuit in the California Supreme Court, which held that the Song-Beverly Credit Card Act does not apply to online purchases of electronically downloadable products. (56 Cal. 4th 128 (2013).)
- Successfully persuaded the Los Angeles Superior Court, on post-trial motions, to vacate a record-breaking wrongful death judgment in excess of \$178 million following a six-week jury trial.
- Obtained summary judgment for client on loss of consortium claims being asserted in wrongful death action brought in New Mexico state court.
- Retained by product manufacturer to handle federal Lanham Act retrial and secured the exclusion of all damages evidence on the eve of the retrial, resulting in a complete win for our client on all of plaintiff's claims, and successfully defended the matter on appeal to the Ninth Circuit.
- Secured favorable jury verdict resulting in no award of compensatory damages in a complex fraud and civil conspiracy action brought by the California Insurance Commissioner, a case in which plaintiff sought an award of \$4.3 billion. *Poizner v. Altus Fin., S.A.*, No. 99-2829 (C.D. Cal. 2012).
- Secured the dismissal of putative class action lawsuit asserting claims of fraudulent concealment, and successfully defended the dismissal on appeal. *Wilson v. Hewlett-Packard Co.*, 668 F.3d 1136 (9th Cir. 2012).
- Successfully argued before the Fourth Circuit Court of Appeals and obtained reversal of an adverse administrative agency decision. *Turkson v. Holder*, 667 F.3d 523 (4th Cir. 2012).
- Represented client before U.S. Judicial Panel on Multidistrict Litigation and obtained transfer of over 80 putative class action lawsuits challenging the marketing and availability of daily fantasy sports, to a single judge. *In re Daily Fantasy Sports Litigation* (J.P.M.L. 2016.)

Prior to joining the firm, Mr. Loose served as a law clerk to the Honorable Ronald S.W. Lew in the United States District Court for the Central District of California. Mr. Loose received his law degree from the UCLA School of Law in 2005, where he graduated as a member of the Order of the Coif and served as a member of the Journal of International Law and Foreign Affairs. In 2002, he graduated *magna cum laude* from the University of

California at Berkeley, where he received a Bachelor of Arts Degree with a double major in Rhetoric and Political Science.

Mr. Loose is admitted to practice before all California State Courts, the Ninth Circuit Court of Appeals, the Fourth Circuit Court of Appeals, and the Northern, Eastern, Southern, and Central Districts of California.

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