

# Austin Schwing

## Partner

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San Francisco

Austin V. Schwing is a partner in the San Francisco office of Gibson, Dunn & Crutcher. Austin sits on the Steering Committee of the firm's Class Actions Practice Group and is a member of the firm's Antitrust Practice Group. Austin is co-chair of the Consumer Class Action Subcommittee of the American Bar Association. He has substantial experience with complex, large-scale commercial litigation, including consumer and antitrust litigation. His litigation and counseling experience includes work for companies in many sectors, including the commercial goods and services, manufacturing, energy, high-technology, professional services, and defense industries. *Law360* has named Austin one of the top class action lawyers in the United States.

### Representative matters include:

- Successfully defended Flying J, then the United States' largest retailer of diesel fuel, in 28-state multidistrict consumer class action alleging several billion dollars in damages.
- Represented DraftKings in multidistrict litigation challenging the legality of daily fantasy sports.
- Successfully represented Uber Technologies, Inc. in several purported class actions brought under the Telephone Consumer Protection Act.
- Successfully represented Doordash, Inc. in purported class action brought under the Telephone Consumer Protection Act.
- Successfully defended leading technology company in a privacy-related class action before the California Supreme Court, resulting in judgment in favor of the client.
- Defeated class certification and secured summary judgment for eHarmony in a consumer class action lawsuit in California federal court.
- Defeated numerous consumer class actions for Avis and Budget in several state and federal courts throughout the United States.
- Defeated purported nationwide class of purchasers of allegedly defective printers for Hewlett-Packard.
- Defeated consumer class action relating to electricity smart grid in California for Landis+Gyr.
- Successfully represented Intuit in multiple class actions.
- Defeated class action relating to tax-consequences of foreign accounts for UBS.
- Successfully defended the world's largest retailer in wage-and-hour class action.
- Successfully represented Nike, Inc. in class action case relating to its Nike+ FuelBands.



### Capabilities

Litigation  
Antitrust and Competition  
Class Actions  
Consumer and Retail  
Privacy, Cybersecurity, and Data Innovation  
Sports Law  
Tech and Innovation

### Credentials

#### Education

University of California - Los Angeles -  
2000 Juris Doctor  
University of San Francisco - 1997  
Bachelor of Arts

#### Admissions

California Bar

- Successfully represented Nike, Inc. in antitrust case resulting in dismissal with prejudice and sanctions against Plaintiff's counsel.
- Represented Origins and Aveda in class actions regarding redemption of gift cards.
- Defended Sempra Energy, California's largest utility, and its affiliates in a several-month-long trial involving multiple antitrust and consumer class actions alleging \$21 billion in damages.
- Successfully defended Chunghwa Picture Tubes in massive multidistrict litigation relating to alleged price-fixing of LCD panels.
- Successfully defended Chunghwa Picture Tubes in massive multidistrict litigation relating to alleged price-fixing of cathode ray tubes.
- Currently defending Mitsuba, a Japanese auto parts manufacturer in one of the largest antitrust multidistrict litigation proceedings in history.
- Represented pharmaceutical company in multiple class actions alleging monopolization under Section 2 of the Sherman Act.
- Defended the world's largest manufacturer of semiconductor tools in antitrust and intellectual property lawsuit.
- Represented the world's largest manufacturer of computer networking equipment in antitrust monopolization and tying claim.
- Defended popular brand-name-apparel company in securities class action and Sarbanes-Oxley Act whistleblower case.
- Successfully defended Lockheed Martin in tort action involving hundreds of claimants.

Austin is heavily involved in pro bono activities and serves as a liaison between the firm and several nonprofit organizations.

Austin received his law degree from the University of California at Los Angeles in 2000, where he graduated as a member of the Order of the Coif. He received his Bachelor of Arts degree in Sociology from the University of San Francisco in 1997, where he graduated with honors.

Austin is a member of the State Bar of California. He has handled cases in many states across the country.

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