

# Austin Schwing

## Partner

[aschwing@gibsondunn.com](mailto:aschwing@gibsondunn.com)

T: +1 415.393.8210

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 has served as 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 finance, commercial goods and services, manufacturing, energy, high-technology, professional services, and defense industries. Austin regularly advises clients on consumer protection issues and financial products. *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.
- Successfully 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.
- Defeated multiple class actions for Intuit, Inc., including cases raising alleged violation of consumer finance and privacy laws.
- Successfully represented Doordash, Inc. in purported class action brought under the Telephone Consumer Protection Act.
- Successfully represented Nike, Inc. in multiple cases, including a class action case relating to its Nike+ FuelBands.
- Successfully represented Stream Energy in consumer class actions relating to billing issues.
- Obtained summary judgment for State Farm, Inc. in cost-of-insurance class action.
- Secured dismissal with prejudice of class action against Etsy, Inc. alleging violation of California's greenwashing laws.
- 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.



### Capabilities

Litigation  
Antitrust and Competition  
Class Actions  
Consumer Products 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

- 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.
- Defeated class action for UBS relating to tax-consequences of foreign accounts.
- Successfully defended Wal-Mart Inc. in massive wage-and-hour class action.
- Successfully represented Nike, Inc. in antitrust case resulting in dismissal with prejudice and sanctions against Plaintiff's counsel.
- Successfully represented Meta Platforms, Inc. in multiple class actions and lawsuits brought by Attorneys General across the United States.
- Successfully represented Origins and Aveda in multiple 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.
- Successfully defended Maximus, Inc. against allegations of breach of contract and tort claims relating to its implementation of California's Lifeline telephony service, obtaining a complete dismissal.
- 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, obtaining a complete dismissal.

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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