

# Kathleen Carter

## Partner

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### Practice Areas

- Litigation
- Labor & Employment
- Business & Commercial Litigation
- Class Actions & Complex Litigation
- Professional Liability

### Admissions

- California
- U.S. District Court, Northern District of California
- U.S. District Court, Southern District of California
- U.S. District Court, Eastern District of California
- U.S. District Court, Southern District of Indiana
- U.S. Court of Appeals of the Ninth Circuit
- U.S. Court of Appeals of the Third Circuit
- U.S. Court of Federal Claims
- Supreme Court of the United States

### Education & Honors

- JD, Vermont Law School, *cum laude*, 1992
- MBA, Pepperdine University
- BA, Saint Anselm College

Kathy is a trial lawyer with more than 25 years of experience in complex litigation and case management. She has extensive civil litigation experience with a practice ranging from handling employment law and consumer actions to complex commercial disputes. With clients ranging from multinational corporations to landlords and insurance companies, Kathy counsels clients on early resolution options and effective case and cost management approaches for matters of all sizes and scope.

Her broad litigation background and understanding of her clients' businesses and particular industry challenges allows Kathy to offer sophisticated counseling and risk management advice. She helps clients identify areas of exposure, create processes and compliance policies to reduce risk, and implement strategic best practices in their organizations.

With experience across disciplines, Kathy has litigated and tried disputes related to:

- ADA claims
- Commercial contracts
- Discrimination
- Foreign Corrupt Practices Act (FCPA)
- Fraud
- Insurance bad faith
- Intellectual property infringement
- Landlord/tenant
- Personal injury
- Private Attorneys General Actions (PAGA)
- Real estate
- Retaliation
- Unfair competition

Before joining Messner Reeves, Kathy was a founding partner at a Southern California firm where she represented large national corporations in multi-million-dollar lawsuits, won a seven figure damage award for clients involved in personal injury cases, and successfully defended an international firm in a high-stakes class

action matter. Her reputation and results have caused clients to seek her assistance in multiple jurisdictions, including Nevada, Washington, Delaware, Indiana, and Georgia.

Kathy is an active member of the American Board of Trial Advocates (ABOTA), selected for membership by defense and plaintiffs' attorney members of the organization based on her successful trial record and her character and reputation among the trial bar.

### **Associations**

- American Board of Trial Advocates (ABOTA)
- Orange County Bar Association
- Los Angeles County Bar Association
- National Association of Professional and Executive Women
- BUZZ, An Executive Women's Think Tank
- National Association of Minority & Women Owned Law Firms
- Women's Business Enterprise National Counsel

### **Representative Matters**

- Obtained a \$10 million settlement in a commercial dispute involving copyright infringement on behalf of a leading national corporation against the largest clothing retailer in the US.
- Won a \$1.5 million verdict at trial in a commercial dispute between multiple corporations and shareholders regarding stock disputes and ownership rights.
- Won a defense jury verdict on behalf of an employer in a disability discrimination case.
- Obtained a jury award in a collection claim while successfully defending a cross-complaint alleging FCPA violations.
- Successfully defended a multi-plaintiff lawsuit that asserted violations of the Los Angeles Municipal Code and California Government Code and unfair competition claims related to a condominium conversion.
- Won a complete defense jury verdict in a bad faith lawsuit on behalf of a large insurer.
- Won a \$17.5 million jury verdict in a paraplegia case where a 36-year-old man was injured in a construction site accident. This was the highest amount a jury ever awarded at that time for an individual plaintiff in the Rancho Cucamonga branch of the San Bernardino Superior Court.
- Defended a class action litigation against a large international corporation by defeating the certification of class claims under the Song Beverly Act and California Consumer Legal Remedies Act.
- Secured a favorable settlement for a corporation in a jury trial involving a brain injury claim.
- Successfully defended overtime, meal, and rest period case brought by a part-time school teacher and administrative assistant against a private school employer.
- Defended a nonprofit organization in an age discrimination claim by a senior management employee.
- Successfully prosecuted a commercial contract claim for an international media company while simultaneously defending a cross-complaint for breach of contract and fraud, seeking more than \$3 million in alleged lost profit.
- Successfully prosecuted a \$1 million fraud claim related to a residential and real estate transaction.
- Defended a residential landlord of a multi-unit condominium against wrongful eviction and habitability claims.