

## David M. Jolley

Partner

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## Practice Areas

- Litigation

## Overview

David M. Jolley is a seasoned trial lawyer with over 25 years of experience. His practice focuses on complex commercial, consumer, products liability, and financial services litigation, with an emphasis on defending against claims brought under California’s Unfair Competition Law (“Section 17200”) and Consumer Legal Remedies Act (“CLRA”).

Over the past several years, David has represented a wide range of clients, including large financial institutions, food and drug companies, corporate officers, high technology companies, and major sports leagues. He has litigated claims of consumer fraud, unfair competition, false advertising, breach of contract, deceptive packaging, products liability, misappropriation of trade secrets, and antitrust violations, among others.

## Representative Matters

### Financial

- Successfully defended Wells Fargo Bank against multiple class actions brought under California’s consumer protection laws (Section 17200 and CLRA). This was achieved either by winning summary judgment, as in *Corriea v. Wells Fargo Bank*, by defeating class certification, as in *Endres v. Wells Fargo Bank*, or by compelling non-class arbitration, as in *Sylvester v. Wells Fargo Bank*.
- Successfully defended Chase Bank against a putative class action alleging violations of California’s consumer protection laws (Section 17200 and CLRA), breach of contract, and fraud. This outcome in *Amirhamzeh v. Chase Bank USA* resulted from a successful motion to dismiss in which all claims were dismissed with

prejudice.

- Litigated significant securities fraud claim on behalf of a Global 500 financial institution stemming from sale of complex securities, resulting in a highly favorable settlement.
- Advised Fortune 50 financial institution on negotiations, litigation strategy, and settlement of significant dispute involving dissolution of partnership agreement.

### **Manufacturing/ Production**

- Successfully represented Tootsie Roll Industries in multiple class actions involving the company's packaging practices, securing a dismissal or favorable verdict in each case, including *Gordon v. Tootsie Roll Industries*, *Daniel v. Tootsie Roll Industries*, *Stemm v. Tootsie Roll Industries*, and *Iglesia v. Tootsie Roll Industries*.

### **Technology**

- Served as counsel in misappropriation of trade secrets action for local technology company, resulting in a \$52 million jury verdict for the client.

### **Products Liability**

- Successfully defended national food manufacturer in products liability action seeking \$40 million, resulting in dismissal of action.

### **Pharmaceuticals**

- Successfully defended major pharmaceutical company in multiple class actions brought under California's consumer protection laws (Section 17200 and CLRA) alleging violations of medical privacy statutes, resulting in the dismissal of all claims.

### **Sports/ Athletics**

- Successfully defended the National Football League against antitrust action involving use and licensing of sporting equipment, resulting in dismissal of all claims.

### **Pro Bono**

- Successfully represented a public interest group in opposing a proposed conversion from non-profit to for-profit status of the primary health insurance company in Washington and Alaska.
- Assisted the San Francisco Public Defender's Office in successfully challenging California's money bail system as unconstitutional.

## Recognition

- Media, Technology, and Telecoms – Advertising and Marketing, *Legal500*, 2017

## Bar Admissions

- California

## Courts

- U.S. Court of Appeals, 9th Circuit
- U.S. District Court, Northern District of California
- U.S. District Court, Central District of California
- U.S. District Court, Southern District of California
- U.S. District Court, Eastern District of California

## Education

- **J.D.**, University of California, Berkeley School of Law, 1997
  - International Tax and Business Law Journal
- **B.A.**, University of California, Berkeley, *with honors*, 1992

## Recent Articles/News

- [Tootsie Roll Obtains Dismissal of a Class Action](#)
- [Does COVID-19 Excuse Performance Under Your Contract?](#), March 31, 2020
- [Partner David M. Jolley Joins Donahue Fitzgerald](#)