

Katharine L. Malone

Associate

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Practice Areas

- Litigation

Overview

Katharine Malone's practice focuses on complex commercial litigation. She represents both plaintiffs and defendants in state and federal trial and appellate courts in matters involving fraud, breach of contract, fiduciary duties, false advertising, and unfair business practices as well as privacy, antitrust, and employee mobility issues. Kate has represented a wide range of clients, including individual corporate officers, small business owners, entertainment figures, medical device companies, technology start-ups, and the Wisconsin state legislature.

Kate is experienced in pre-litigation counseling, civil litigation before trial, particularly in disputes involving complex electronic discovery issues, and preparing witnesses to testify at trial.

Representative Matters

- Represented plaintiff class of content moderators against Facebook, Inc., *Scola et al. v. Facebook, Inc.*, No. 18CIV05135 (San Mateo Sup. Ct.) (\$52 settlement plus workplace safety improvements)
- Represented plaintiff class of individuals and businesses who purchased JUUL e-cigarette devices directly from Juul Labs, Inc. December 2018-present, *In Re Juul Labs, Inc. Antitrust Litigation*, No. 3:30-cv-02345-WHO (N.D. Cal.)
- Briefed and argued *Lil' Man in the Boat v. Auk Ta Shaa* before the Ninth US. Circuit of Appeals to uphold a district court dismissal of a contract dispute, prevailing on both procedural and substantive grounds for a corporate client

Katharine regularly writes and comments on various legal affairs. Her work has been published in *CPO Magazine*, *The Legal Geeks*

, and the *California Daily Journal*, among other publications. She is a participating attorney in the Federal *Pro Bono* Project, and has represented clients through KIND (Kids In Need of Defense) and the Southern Poverty Law Project.

Prior to her career as an associate, Katharine was an associate legal editor for the *California Daily Journal*. During law school at Hastings College of the Law, she was editor-in-chief of the *Hastings Communications & Entertainment Law Journal*.

Professional & Community Affiliations

- Member, Alameda County Bar Association
- Member, Bar Association of San Francisco

Recognition

- Rising Star, *Super Lawyers*, 2021

Bar Admissions

- California

Courts

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

Education

- **J.D.**, University of California, Hastings College of the Law, 2012
 - CALI Award, Cyberlaw
 - Albert G. Evans Scholarship in Enterprise Award for best Note on government regulation of private enterprise
- **B.A.**, The George Washington University, 2007
 - National Merit Scholar
 - Atlantic-10 Conference Student-Athlete Honor Roll (varsity crew team)

Recent Articles/News

- [Associate Katharine L. Malone Joins Donahue Fitzgerald](#)

Past Articles/News

- [“Welcome to New York It’s Been Waiting for You . . . But Is Your Business Ready for the New York SHIELD Act?”](#) CPO Magazine, 2020
- [“Did the General Contractor on the Death Star Have to Build the Second Death Star for Free?”](#) The Legal Geeks, 2018
- [“Think Twice Before Denying Requests for Admissions,”](#) California Daily Journal, 2015
- [“Parody or Identity Theft: The High-Wire Act of Digital Doppelgangers in California,”](#) 34 Hastings Comm. & Ent. L.J. 275 (2012), 2012