



### Colleen Carey Gulliver

Partner

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#### New York

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Colleen Carey Gulliver's practice includes the defense of class actions in various substantive areas, such as consumer, privacy and securities litigation for many different industries, including consumer goods and retail, transportation and technology as well as corporate litigation and counseling, business litigation and securities enforcement matters.

Her clients have included public, private and non-profit companies and directors, officers and employees of those companies. She has experience in both federal and state court.

Colleen was selected as a New York Super Lawyer Rising Star from 2015 through 2017.

#### RELATED SERVICES

- Litigation, Arbitration and Investigations

## EXPERIENCE

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### CONSUMER CLASS ACTIONS

- Obtained dismissal for global airline in a putative nationwide class action filed in the Eastern District of New York related to its cyber attack at a pre-motion conference. The plaintiff asserted four state law claims and the court granted the airline's motion to dismiss on standing and preemption grounds. The court granted the plaintiff the opportunity to amend and the motion to dismiss is pending
- Obtained dismissal of a putative class action complaint without the necessity of a motion to dismiss in state court in California on behalf of all California residents who called its customer service line while in California on behalf of the same global airline. The complaint asserted one cause of action for violation of California's Invasion of Privacy Act, and in particular California penal code section 632.7, unlawful recording or monitoring of calls.
- Obtained dismissal with prejudice for an agricultural cooperative in defense of a putative class action on behalf of New York consumers filed in the Eastern District of New York who have asserted violations of New York consumer protection statutes and state law related to allegations of improper labeling of crackers
- Obtained dismissal for CBD retailers in defense of a putative nationwide class action filed in the Southern District of Florida who have asserted violations of New York and Florida consumer protection statutes and state law related to allegations of improper labeling of CBD levels

- Representing an agricultural cooperative in defense of a putative class action on behalf of New York consumers filed in the Southern District of New York who have asserted violations of New York consumer protection statutes the Magnuson Moss Warranty Act and state law related to allegations of improper vanilla labeling
- Representing CBD retailers in defense of a putative class action filed in the Northern District of Illinois on behalf of Illinois residents who have asserted violation of the Illinois consumer protection statute related to allegations of improper labeling of THC levels
- Obtained favorable settlement for a global airline in defense of a nationwide class action in the Eastern District of New York. The complaint was brought on behalf of a nationwide class of members of the airline's frequent flyer program and alleged that the company breached its contract when it levied a fuel surcharge on reward tickets
- Obtained favorable settlement for a fitness company in a putative class action filed in the Central District of California. The plaintiff asserts claims for alleged violations of federal and state gift card laws (including the Credit Card Accountability Act and the Electronic Funds Transfer Act and certain California protection statutes). The Court granted in part and denied in part our motion to dismiss and after discovery, we obtained a favorable settlement, which the Court finally approved
- Represented the same fitness company in a putative class action filed in the Central District of California. The plaintiff asserts claims for alleged violations of California's health studio contract law and California's consumer protection statute
- Obtained favorable settlement for a leading defense and technology company and its officers and directors in a securities fraud class action filed in the Southern District of New York. The Court granted in part and denied in part our motion to dismiss and after summary judgment, we obtained a favorable settlement, which was finally approved
- Represented a financial institution in a multi-district litigation securities fraud class action filed in the Southern District of Texas and various opt-out actions. Obtained dismissal of the action after appeal to the Fifth Circuit
- Obtained favorable settlement on behalf of officers and directors of a telecom company in a securities fraud class action filed in the Southern District of New York and shareholder derivative actions

## PRIVACY CLASS ACTIONS

- Obtained dismissal for global airline in a putative nationwide class action filed in the Eastern District of New York related to its cyber attack at a pre-motion conference. The plaintiff asserted four state law claims and the court granted the airline's motion to dismiss on standing and preemption grounds. The court granted the plaintiff the opportunity to amend and the motion to dismiss is pending

## SECURITIES CLASS ACTIONS

- Representing a Canadian pharmaceutical company in a securities fraud class action filed in the Southern District of New York
- Represented a financial institution in a multi-district litigation securities fraud class action filed in the Southern District of Texas and various opt-out actions. Obtained dismissal of the action after appeal to the Fifth Circuit
- Obtained favorable settlement for a leading defense and technology company and its officers and directors in a securities fraud class action filed in the Southern District of New York. The Court granted in part and denied in part our motion to dismiss and after summary judgment, we obtained a favorable settlement, which was finally approved
- Represented the same defense and technology company in follow on shareholder derivative actions. Obtained dismissal with prejudice of the shareholder derivative action filed in the Southern District of New York
- Obtained favorable settlement on behalf of officers and directors of a telecom company in a securities fraud class action filed in the Southern District of New York and shareholder derivative actions

## BUSINESS LITIGATION AND DISPUTE RESOLUTION

- Obtained favorable resolution for a financial services company in a breach of contract dispute in New York state court
  - Obtained favorable resolution for a global airline in an ERISA action brought by a former employee in the Southern District of New York
  - Obtained a favorable out of court resolution on behalf of a Canadian investment company in a breach of contract dispute. After negotiations, obtained complete abandonment of claims
  - Obtained favorable resolution for a global clothing retailer in a breach of contract dispute in New York federal court
  - Represented a global media company in New York federal court in asserting claims for copyright infringement
- Corporate Governance

- Represented a co-founder and director of a privately-held company in a proceeding seeking books and records of the company

## WHITE COLLAR, CORPORATE CRIME AND INVESTIGATIONS

- Represented a financial institution in insider trading cases brought by the US Attorney for the Southern District of New York and the SEC
- Represented a global pharmaceutical company regarding an internal review of potential violations of the Foreign Corrupt Practices Act

## CREDENTIALS

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### Admissions

- New York

### Education

- J.D., Pace University School of Law 2006  
*magna cum laude*  
Executive Articles Editor, *Pace Law Review*
- B.A., Boston College 2001

### Courts

- United States District Court for the Eastern District of New York
- United States District Court for the Southern District of New York

## INSIGHTS

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### Publications

#### Preparing for global class actions arising from COVID-19

28 May 2020

The risk to companies of global and cross-border class action and collective redress proceedings is rising.

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#### Major developments in class action litigation for 2018 – 2019

18 June 2019

A top-level look at class action litigation for 2018-2019 and a look at trends, issues, and strategies that businesses face in the months to come.

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- Co-Author, "Takeaways From Decisions Following Campbell-Ewald," *Law360*, August 9, 2016

### Events

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## Previous

### Preparing for global class actions arising from COVID-19

16 June 2020 | 9:00 - 10:30 a.m. ET (Session one) | 8:00 - 9:30 p.m. ET (Session two)  
Webinar

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### Major developments in class action litigation: a CLE webinar

16 July 2019  
Webinar

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## NEWS

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### Four DLA Piper lawyers join WILEF leadership

3 August 2020  
DLA Piper is pleased to announce that four of its lawyers have joined the leadership of the Women in Law Empowerment Forum (WILEF).

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### DLA Piper represents Blue Diamond Growers in complete victory

24 December 2019

DLA Piper represented Blue Diamond Growers (Blue Diamond), defending it against a putative nationwide class action filed in the Eastern District of New York.

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