



Nancy Nguyen Sims

Of Counsel
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Nancy Sims is a commercial litigator focusing on complex business disputes and investigations.

Nancy has successfully represented clients in commercial matters based on contract claims, unfair competition, false advertising, fraud and related business torts. In particular, Nancy's litigation practice involves defending class actions in the consumer, franchise, insurance, and labor and employment spaces. She has represented clients in putative class actions and other litigation with a combined exposure of over US\$1 billion. In addition, Nancy also has extensive experience conducting corporate internal investigations and government investigations, including those implicating the Foreign Corrupt Practices Act and UK Bribery Act.

Nancy also serves as the Chair of the Diversity and Inclusion Committee of DLA Piper's Los Angeles Offices and is a member of DLA Piper's North American Pro Bono Committee.

LANGUAGES SPOKEN

- Vietnamese

- Franchise
- Class Actions
- Litigation, Arbitration and Investigations
- White Collar and Corporate Crime
- Insurance and Reinsurance Disputes

- Insurance
- Media, Sport and Entertainment

Vietnamese

Nancy's experience includes representation of the following:

- A Fortune 5 retailer in a \$125 million dispute based on contract and fraud-based claims. Prevailed on a motion to dismiss for forum non conveniens
- A Fortune 5 retailer in multiple consumer class actions that were all resolved favorably prior to class certification
- A national commercial cleaning franchisor in multiple class and representative actions claims of misclassification of independent contractors
- A global franchisor of convenience stores in multiple actions involving joint employer allegations
- A major automobile insurance carrier in multiple class action lawsuits challenging its practice of relying on labor rate surveys. Prevailed by obtaining an order denying class certification, which was affirmed by the California Court of Appeal
- Two of the largest US car rental companies in multiple consumer class actions alleging non-disclosure of certain fees assessed in

connection with rentals in violation of unfair competition and false advertising laws. Prevailed on a demurrer sustained with prejudice, which was affirmed by the California Court of Appeal

- A national homebuilder in a class action alleging unfair competition, false advertising, and fraud claims based on purportedly improper advertising and mortgage practices. Prevailed through a successful motion to dismiss granted with prejudice and affirmed by the Ninth Circuit
- Two of the largest US car rental companies in multiple consumer class actions alleging overcharges in connections with rentals. Obtained voluntary dismissals
- A multinational footwear and apparel manufacturer in a software licensing disputes involving contract, fraud, and business tort claims
- A top-tier business consulting firm in multiple high stakes disputes
- A global pharmaceutical company in multiple internal investigations across various jurisdictions in Asia, Europe and the Middle East
- A national defense contractor in investigations implicating the False Claims Act
- A global manufacturer in an action based on violations of the False Claims Act
- White collar defendants against securities law violations
- A large homeowner insurance carrier in a class action challenging investigation practices purportedly utilized during the claims process . Obtained denial of class certification
- Two major car rental companies in multiple class actions asserting a failure to obtain certain government agency approval in compliance with California regulations. Prevailed on motions to dismiss
- A large insurance company in multiple class action lawsuits challenging its purported practice concerning defense tenders and appointment of panel counsel. Defeated the plaintiff's motion for class certification in each case
- A real estate company in a wage and hour class action. Obtained order denying class certification
- A national cleaning franchisor in a class action alleging wage and hour violations, unfair competition and false advertising. Obtained a favorable settlement for client
- A multi-national bank in multiple lawsuits based on fraud and allegations of a Ponzi scheme. Obtained favorable settlements for client
- An insurance carrier in class actions alleging violations of the Telephone Consumer Protection Act. Obtained dismissal after having plaintiff declared a vexatious litigant, a decision which was affirmed by the Court of Appeal
- A real estate developer in a dispute over the purchase and sale of a housing community. Obtained a favorable settlement after presentation of case in chief at trial
- A national restaurant franchisor in a class action lawsuit alleging violation of the California Franchise Investment Law, breach of contract, and fraud
- A tour company in a nationwide wage and hour class action that settled favorably
- Major insurance carriers in various lawsuits based on broker negligence

CREDENTIALS

Admissions

- California

Prior Experience

Nancy served as a full-time judicial extern to the Honorable Steven Reinhardt of the US Court of Appeals for the Ninth Circuit.

Recognitions

Nancy has repeatedly been named a Southern California Rising Star following research conducted by *Los Angeles* and *Law & Politics* magazines that polled the region's attorneys.

Education

- J.D., University of California, Hastings College of the Law
- B.A., University of Southern California

Courts

- Supreme Court of the United States
- United States Court of Appeals for the Ninth Circuit
- United States Court of Appeals for the Federal Circuit
- United States District Court for the Central District of California
- United States District Court for the Northern District of California
- United States District Court for the Southern District of California
- United States District Court for the Eastern District of California

Memberships

- American Bar Association
- Los Angeles County Bar Association

Civic and Charitable

- Los Angeles Fire Department Foundation, Board of Directors, Executive Committee (2013—2017)
- Ninth Circuit Judicial Conference Lawyer Representative, United States District Court for the Central District of California (2012—2016)

INSIGHTS

Publications

What compliance programs can do now to prepare for operations in the new COVID-19 reality

5 May 2020

Anticipating changes in the ABAC and compliance landscape to prepare for the lifting of social distancing mandates that have required non-essential businesses to close.

COVID-19: Conducting internal investigations in remote work settings

24 April 2020

For companies conducting internal investigations or responding to an investigation, practical solutions in a time of distancing.

Coronavirus: Reopening businesses – compliance risks

24 April 2020

Companies looking to reopen are urged to do so in compliance with varying, changing government restrictions to avoid longer term liabilities that could potentially outweigh short term gains

- Co-author, "State AGs seek to fill CFPB vacuum," *Daily Journal* (May 4, 2018)

- Co-author, "9th Circuit Weakens Arbitration Clauses Post-Concepcion," *Law360* (February 7, 2014)

Events

Previous

COVID-19 – legal considerations for restarting a franchise system

4 May 2020 | 2:00 - 3:00 ET
Webinar

- Presenter, "Taking a Jury-Focused Deposition," Bridgepoint Continuing Education (March 30, 2021)
- Presenter, "Class Actions 2020: State vs. Federal Filing Considerations," Bridgeport Legal Education (September 2020)
- Presenter, "Consumer Class Action Litigation: Tips & Strategies for Your Firm in 2020 and Beyond," The Knowledge Group (September 2020)
- Presenter, "Dealing with FCPA and Other Investigations Under the New Normal," Webinar, *FDA News*, (June 2020)
- Presenter, "Fundamentals of Taking Depositions," Bridgepoint Legal Education (September 2019)
- Presenter, "Notable Recent & Pending Cases in the 9th Circuit and SCOTUS," Bridgepoint Legal Education (May 2019)
- Presenter, "Old Biases in New Media: Discussing Disparities and How to Eliminate Bias in IP, Internet and New Media Law," Beverly Hills Bar Association (January 2019)
- Presenter, "Class Actions: Data Privacy & Security Breach Case Law Trends," ACI's Data Breach & Privacy Litigation and Enforcement Conference (March 2016)
- Presenter, "Cybersecurity & Ethics 101 For Corporate Legal Departments & Law Firms," Defense Research Institute Conference (February 2015)

PRO BONO

- Kids In Court Program (a pro bono program created and run in cooperation with the United States District Court for the Central District of California), Committee Chair
- DLA Piper National Pro Bono Committee, Member
- DLA Piper Los Angeles Pro Bono Committee, Co-Chair
- DLA Piper Los Angeles Diversity Committee, Chair
- DLA Piper National Pro Bono Award, Recipient (2007)