

Counsel, Los Angeles

Litigation



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Education

J.D., University of Virginia School of Law, 2001 (Executive Editor, *Virginia Journal of Social Policy and the Law*)

M.A., University of Southern California, 1997

B.A., Middlebury College, 1995

Bar Admissions

California
Vermont

Hillary A. Hamilton represents a wide variety of clients in commercial litigation disputes in federal and state courts across the nation. Ms. Hamilton has extensive experience in complex litigation matters, particularly in consumer class actions.

Her representations include a diverse number of high-profile disputes:

- Christie's, Inc. in obtaining the dismissal of a putative nationwide class action in the U.S. District Court for the Central District of California by convincing the court and the U.S. Court of Appeals for the Ninth Circuit to hold that the California Resale Royalties Act was unconstitutional and pre-empted by the Copyright Act
- Head USA, Inc. in its successful defense of claims by Bode Miller and Bomber, LLC seeking to invalidate Head's sponsorship agreements with high-profile athletes. The court granted Head's motion to dismiss all of the plaintiffs' claims
- Mercury Insurance Company in prevailing on a motion for judgment on petition for mandate vacating a \$27.6 million penalty imposed by the California Department of Insurance
- an international cosmetics company targeted by several California consumer class actions regarding alleged misrepresentations as to the efficacy of certain products
- an action sports and lifestyle company in a California consumer class action regarding alleged misrepresentations in outlet store pricing
- True Religion Apparel in a consumer class action arising from alleged misrepresentations regarding the country of origin in product labeling
- Red Bull as a defendant in multiple putative class actions pending across the country challenging the nature and content of advertising statements regarding the benefits of Red Bull energy drinks
- Toyota Motor Corporation and Toyota Motor Sales, U.S.A., Inc. in the "economic loss" phase of the multidistrict class action litigation pending in the U.S. District Court for the Central District of California challenging alleged defects in Toyota's electronic throttle control system, and in "bellwether" trials against Toyota in California Superior Court by individuals who allegedly suffered personal injuries due to the purported defects
- MGA Entertainment, Inc., in both the Central District of California and the Ninth Circuit, in the "Barbie v. Bratz" trials versus Mattel, Inc. over the rights to the "Bratz" doll franchise
- MGA Entertainment, Inc., in both the Southern District of New York and the Second Circuit, in defense of a copyright claim relating to the "Bratz" doll franchise
- Home Box Office (HBO) in successful defense of a bet-the-company challenge to on-location filming of HBO's flagship original series "Entourage." Skadden defeated motions for a temporary restraining order and preliminary injunction before obtaining the dismissal of the claims on the merits

Hillary A. Hamilton

Continued

Publications

“CIPA Trap and Trace/Pen Register Claims are Technologically and Legally Flawed,” *Bloomberg Law*, July 10, 2024

“Recent Developments That Could Impact How Companies Offer AI-Based Customer Service Chatbots,” *Skadden Publication*, February 26, 2024

“Red Flags: The Ninth Circuit Targets Excessive Attorney Fees in Class Action Settlements,” *Corporate Disputes Magazine*, July-September 2022

“California Bill Would Prohibit Settlement Agreements Keeping Certain Information Secret,” *Skadden Publication*, May 18, 2022

“Coca-Cola Plaintiffs’ Decert. Highlights Class Claim Problems,” *Law360*, November 5, 2021

“9th Circ. Ruling Signals Scrutiny Of Class Settlement Fees,” *Law360*, September 15, 2021

“Clarity for an Uncommon Common Law Unfair Competition Claim,” *Westlaw*, February 17, 2021

“Calif. High Court Must Clarify Employee Nonsolicitation Policy,” *Law360*, February 11, 2021

“Anti-SLAPP: The Catchall That Caught Too Much,” *Daily Journal*, September 24, 2019

“Drafting Successful Anti-SLAPP Motions In California,” *Law360*, September 23, 2019

“Show Us the Money: Wisconsin Mandates Third-Party Litigation Finance Disclosure,” *Daily Journal*, April 16, 2018

“Beyond the Form: Using Jury Instructions to Your Advantage,” *Daily Journal*, February 21, 2018

“Food Labeling Cases May Finally Proceed,” *Daily Journal*, July 31, 2017

“Exhausted: Courts Reject Restraints on Alienation of IP,” *Law360*, July 21, 2017

“The International Comparative Legal Guide to: Litigation & Dispute Resolution (USA – California),” *Global Legal Group Ltd.*, 2017