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JENNIFER S. ROMANO

PARTNER

LOS ANGELES
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PRACTICES

- Litigation & Trial
- Commercial Litigation
- Privacy & Cybersecurity
- Health Care Litigation
- Health Care
- Class Actions
- Arbitration

Jennifer Romano is a partner in Crowell & Moring's Los Angeles office and is a member of the Litigation Group. Jennifer focuses her practice on defending companies against unfair competition and consumer class actions, and representing major retailers and health care companies in litigation matters. Jennifer represents clients as both plaintiffs and defendants in state and federal courts as well as in arbitration and mediation. Her clients include major retailers, health plans, financial services and professional services firms. Jennifer was named by the *Los Angeles Daily Journal* as one of the Top Women Litigators in California.

Prior to joining Crowell & Moring, Jennifer was a partner at Folger Levin & Kahn LLP. Previously, she served as a law clerk to the Honorable Mariana R. Pfaelzer, United States District Court for the Central District of California.

Representative Matters

- Defended a national health plan in lawsuits filed by groups of emergency room physicians seeking reimbursement for services provided to health plan patients for whom financial liability had been delegated to other entities under California law. Jennifer argued the defendants' joint demurrer, and the Court sustained the joint demurrer without leave to amend. The matter is now on appeal.
- Represent multi-national rental car company in defending against multiple representative and class actions alleging unfair competition, false advertising and statutory violations. In a putative class action alleging violation of constitutional rights, Jennifer obtained judgment on behalf of her clients at the pleading stage on the ground that private rental car companies are not state actors subject to constitutional claims. The judgment was affirmed by the Ninth Circuit. Jennifer is also lead counsel for the rental car company in a putative class action alleging unfair and unlawful business practices relating to consumer charges.
- Represented a major health plan against putative class action claims brought on behalf of health care consumers who obtained emergency medical treatment.

Jennifer led the case team in filing a motion to dismiss the plaintiff's claims for failure to exhaust administrative remedies under the Medicare Act and ERISA. The Court granted the motion to dismiss and the case was dismissed prior to any discovery being taken.

- Defended against lawsuit brought by elderly homeowners who asserted fraud and negligence in the sale of homes located on the site of a former landfill. Plaintiffs sought $7 million in damages at trial, and a judgment was entered in an amount totaling just $43,223. On appeal, the judgment was overturned and a verdict entered in favor of Jennifer's client.
- Represent major retailers in real estate disputes relating to cotenancy provisions, CAM charges, taxes and property damage. Won summary judgment in two separate actions on behalf of a major retailer in co-tenancy disputes with shopping center landlords.
- Defended an expert consulting company in a contract dispute filed by its former employee and forensic accounting expert. Jennifer successfully challenged the plaintiff's attempt to bypass his obligation to exhaust administrative remedies, and defeated plaintiff's motion for summary judgment, which then led to a favorable settlement for her client.
- Defended Yahoo! Inc. and its affiliates in consumer class actions, breach of contract claims, business torts and trade secrets disputes. Obtained defense judgment against putative class action claims challenging Yahoo!'s First Amendment right to determine the content of its search results.
- Jennifer has an active pro bono practice. She represents Volunteers of America in a lease dispute with a landlord that houses VOA's early childhood development program. She also represented an asylum applicant, a 19-year-old Coptic Christian woman, who faced oppression if deported to Egypt. Jennifer supervised two junior associates in an asylum hearing before an immigration judge, and as a result, the teenager was allowed to remain in the United States.

Admissions/Affiliations

Admitted to practice: California

Memberships

First Vice President, Executive Committee Member and Board Member, Women Lawyers Association of Los Angeles Curriculum Committee and Member, National Retail Tenants Association Member, Association of Business Trial Lawyers

Education

- University of California at Los Angeles, B.A., political science, *magna cum laude*, Phi Beta Kappa
- University of California, Berkeley, School of Law, J.D. (1997) Order of the Coif, Executive Editor of the *Berkeley Women's Law Journal*

Speaking Engagements

- "Recovery Opportunities for Retailers: Turning a Retail Law Department into a Profit Center in Retail Leasing, Antitrust Litigation and Vendor Disputes," Retail Industry Leaders Association Retail Law Conference 2012 (November 2012). Presenters: Gregory D. Call, Jennifer S. Romano, and Steve D. Allison.
- "The Dish on Data and Disks HIPAA Privacy and Security Breach Developments," Crowell & Moring's Healthcare Ounce of Prevention Seminar (HOOPS) (June 21-22, 2012). Presenters: Robin B. Campbell, Ethan P. Schulman and Jennifer S. Romano.
- "Managed Care Litigation: Past, Present, and Future," Annual Meeting and Spring Seminar, California Society For Healthcare Attorneys (April 2012). Presenters: Andrew J. Hefty and Jennifer S. Romano.
- "Class Action Lawsuits Against Retailers – Consumer and Employment Suits," Association of Corporate Counsel (ACC) webcast (March 2012). Presenters: Gregory D. Call, Jennifer S. Romano and Wendy A. Sugg.
- "Goals, Strategies and Tactics in Retail Lease Litigation," National Retail Tenants Association Conference (2010, 2011, and 2012). Presenters: Jennifer S. Romano and Gregory D. Call.
- "Co-tenancy Disputes," National Retail Tenants Association Conference (2009). Presenter: Jennifer S. Romano.
- "Operating Costs and the Law, an Overview" and "Operating Costs and the Law, Case Study," National Retail Tenants Association Conference (2008). Presenter: Jennifer S. Romano.
- "E-Discovery: Legislative Efforts to Manage the Burdens of Litigation," California Retailers Association Annual Meeting (June 2008). Presenter: Jennifer S. Romano.

Publications

- "Litigation Forecast 2013: What Corporate Counsel Need to Know for the Coming Year," *a Crowell & Moring LLP publication* (January 2013). Mark Klapow, Creator and Editor; Contributors.
- "Power Play: Challenging Utility Overcharges," *National Retail Tenants Association Tenants in Common Newsletter* (Spring 2011 Issue). Co-Authors: Gregory D. Call and Jennifer S. Romano.
- "Taxes May Not Be a Straight Pass-Through Under Retail Leases," *Crowell & Moring Retail Law Observer* (September 3, 2010). Author: Jennifer S. Romano
- "Using Declarations to Obtain or Defeat Class Certification," *Los Angeles/San Francisco Daily Journal* (May 27, 2010). Co-Authors: Michael L. Cypers and Jennifer S. Romano.
- "Enforcing Co-tenancy Provisions in Leases Can Help Control Costs," *Chain Store Age* (April/May 2010 Issue). Co-Authors: Gregory D. Call and Jennifer S. Romano.
- "The Self-Insured Landlord – When Do Insurance Charges Give Rise to a Legal Claim," *National Retail Tenants Association Tenants in Common Newsletter* (March/April 2010 Issue). Co-Authors: Gregory D. Call and Jennifer S. Romano.
- "The Center is Failing: What are Your Rights?," *National Retail Tenants Association Tenants in Common Newsletter* (October/November 2008 Issue). Co-Authors: Gregory D. Call and Jennifer S. Romano.
- "Taxes: Not Just a Simple Pass-Through," *National Retail Tenants Association Tenants in Common Newsletter* (June/July 2008 Issue). Co-Authors: Gregory D. Call and Jennifer S. Romano.

- "Taxes Under a Lease: Not Just a Simple Pass-Through," *Crowell & Moring Retail Law Observer* (June 30, 2008). Author: Jennifer S. Romano

Alerts & Newsletters

- "California District Court Finds Lawful Health Plan's Categorical Exclusion of Certain Types of Prosthetic Devices," *Health Law 'In The News'* (April 17, 2013). Contacts: Jennifer S. Romano, Joanna L. Allen.
- "Allegation of Data Breach Alone Insufficient to Sustain Claims Based on Inadequate Cybersecurity," *Privacy Law Alert* (March 15, 2013). Contacts: Jeffrey L. Poston, Jennifer S. Romano, David Z. Bodenheimer, Robin B. Campbell, Elliot Golding.
- "California Supreme Court Holds that Collecting and Recording Zip Codes During Credit Card Transactions Violates California Law," *Retail Law Alert* (February 14, 2011). Contacts: Gregory D. Call, Jennifer S. Romano, Tracy E. Reichmuth.

In the News

Q&A With Crowell & Moring's Jennifer S. Romano
May 26, 2011 — California Law360, Competition Law360, and Class Action Law360

Los Angeles-based Litigation Group partner Jennifer S. Romano is featured in *California Law360, Competition Law360, and Class Action Law360*, as part of the *Law360* "Top Litigators Q&A Series." Questions ranged from discussing the most challenging lawsuit a particular attorney has worked on to describing their trial preparation routine. **Press Releases**

- Crowell & Moring Releases Report, "Litigation Forecast 2013" (Jan.29.2013)