

## Cari K. Dawson

Partner

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Cari Dawson is a creative problem solver, legal strategist, and committed advocate. She co-chairs the Class Action & MDL Practice Team and has a winning track record defending Fortune 500 companies as lead counsel in high-profile enterprise litigation nationwide. Cari assists clients in the areas of commercial litigation, strategic counseling, and crisis management.

In 2021, Cari was named, for the seventh time, one of the “Top 250 Women in Litigation” in the U.S. by *Benchmark Litigation*. She is one of four litigators from Georgia highlighted by the publication, which noted: “Dawson has developed a practice defending hundreds of class actions in a variety of industry sectors.” In 2019, Cari was featured as one of Harvard Law School’s distinguished alumnae in an article highlighting her “grit, fearlessness, and flair for the creative.”

Cari has consistently been recognized by *Chambers USA*. In 2018, Cari was honored by the National Black Law Students Association with its Sadie T.M. Alexander Women in Leadership Award. In 2015, Cari was named one of the country’s “Most Influential Black Lawyers” by *Savoy Magazine*, and in 2014, she was named one of the “Most Powerful & Influential Women” by the National Diversity Council. In 2013, the *National Law Journal* named Cari one of the “100 Most Influential Lawyers in America” for her work as lead class action counsel in the [Toyota Unintended Acceleration MDL](#).

### **Representative Experience**

- Served as national coordinating counsel for Liberty Mutual in connection with its COVID-19 business interruption coverage class actions.
- Defending State Farm in cost of insurance class action litigation in Georgia, Florida, South Carolina, and Washington and serving as coordinating counsel for all of its cost of insurance class actions nationwide.
- Serving as lead class action defense counsel to Porsche Cars North America, Inc. and Porsche AG in multidistrict litigation in San Francisco in the Volkswagen “Clean Diesel” MDL.
- Serving as lead class action defense counsel to Mazda in multidistrict litigation in Miami following widely publicized vehicle recalls relating to allegedly defective Takata airbags.
- Served as co-lead class action defense counsel to The Home Depot in multidistrict litigation in Atlanta following a widely publicized criminal cyber intrusion and data breach.
- Serving as co-lead class action defense counsel to Noramco in the National Prescription Opiate MDL in Cleveland.
- Defeated certification as lead class action defense counsel for Ford in consumer class actions in Washington and Missouri. Currently defending Ford in a consumer class action in Michigan.
- Served as lead class action defense counsel to Walmart in a consumer class action in Atlanta.

- Defended numerous insurance class actions in the property and casualty, life, disability, accident, and health industries in a variety of complex litigation matters, including class actions, regulatory matters, coverage disputes, and bad faith litigation.
- Defended several environmental class actions and toxic tort mass actions.

## ***Representative Cases***

- Orange County, CA: Defeated several of the plaintiffs' claims and limited the scope of liability for an automobile manufacturer in MDL litigation by (1) defeating the effort by the plaintiffs to apply California law to consumers who purchased their vehicles outside California, thereby foreclosing the possibility of certification of a nationwide class action; (2) obtaining a certificate of immediate review from the district court and obtaining an interlocutory appeal to the Ninth Circuit on the question of Article III standing of consumers whose vehicles had not manifested the alleged defect to bring any legal claims; (3) winning the dismissal of foreign plaintiffs' claims; and (4) winning the dismissal of Florida and New York consumers' claims through a court ruling that the plaintiffs in Florida must have experienced a manifested defect to state any claim and New York plaintiffs must have experienced a manifested defect or recognized loss on the sale of a vehicle in order to state a claim. Because several jurisdictions have laws similar to New York and Florida and less than 1 percent of class members experienced any alleged manifestation of the defect, this ruling not only limited the scope of liability, but strengthened arguments against certification due to the need for individualized inquiry to determine which class members' vehicles had manifested the alleged defect and to determine questions of causation and injury.
- Portland, OR: Won issue of first impression in the U.S. Supreme Court regarding whether the insurance company client willfully violated the Fair Credit Reporting Act by failing to give the statutorily required notice of "adverse action" under the Act. The client was sued in U.S. district court in a nationwide class action, where we won summary judgment. The Ninth Circuit reversed on appeal, but the Supreme Court reversed the Ninth Circuit. The Supreme Court ruled the client did not, as a matter of law, willfully violate the Fair Credit Reporting Act.
- Philadelphia, PA: Won issue of first impression in the Third Circuit regarding whether the client violated the Fair Credit Reporting Act or properly complied with the Act in its "offer of insurance." Obtained a dismissal of this putative class action in the Eastern District of Pennsylvania, and the Third Circuit affirmed on appeal.
- Atlanta, GA: Defended a multinational chemical corporation in a mass tort environmental class action in the Northern District of Georgia filed on behalf of several thousand class members asserting personal injury and property damage claims allegedly caused by releases of a pesticide-related chemical from a wastewater treatment facility. After obtaining a dismissal of several claims and striking all the plaintiffs' scientific experts, we negotiated a favorable settlement for a fraction of the plaintiffs' original demands.
- Seattle, WA: Defeated a purported nationwide class action filed in the Western District of Washington seeking damages under various consumer protection statutes for failure to disclose and pay diminished value under insurance contracts.
- Edwardsville, IL (Madison County): Won a dismissal of an insurance client in a multidefendant conspiracy class action in which the plaintiffs sought more than \$1 billion for alleged injuries involving the specification of aftermarket parts.
- Cañon City, CO: Defeated class certification in a putative class action brought against an insurance client alleging failure to explain available personal injury protection benefits in the sale of automobile insurance policies. Denial of class certification was affirmed on appeal, and petition for certiorari was denied.

- Mt. Vernon, WA: Won summary judgment for an insurance client in a putative class action alleging consumer fraud and breach of contract arising from installment service fee charges. Summary judgment in the client's favor was affirmed on appeal, and petition for certiorari was denied.
- Los Angeles, CA: Represented an Internet service provider in a fraud suit against one of the world's largest secured global data communication networks and recovered a substantial settlement on the ISP's behalf.
- Atlanta, GA: Represented an international conglomerate in the prosecution of claims against sublicensees for a breach of licensing agreements and a trademark infringement arising out of the Olympic Games.
- Atlanta, GA: Defended a logistics provider in a series of bet-the-company nuisance suits seeking a shutdown of the client's operations and exemplary damages. Won partial summary judgment on the plaintiffs' claims and settled suits for a nominal sum.

## **Publications & Presentations**

### **Publications**

- *A Practitioner's Guide to Class Actions*, 3rd ed., American Bar Association, November 2021.
- "The Year-End Discussion with Outside Counsel: The General Counsel's Guide," *Corporate Counsel*, October 29, 2018.
- "Minority Powerbrokers Q&A: Alston & Bird's Cari Dawson," *Law360*, October 30, 2014.
- "Retail Outlets: A Steal or Not for Real?" *Daily Journal*, September 8, 2014.
- "The Supreme Court's Class Action Certification Trilogy," *Corporate Counsel*, August 1, 2014.
- "What In-House Counsel Can Take Away from Duran," *InsideCounsel Magazine*, July 2, 2014.
- "Channeling Your Inner Olivia Pope (Part 3): Women Leaders and the Double Bind," *InsideCounsel Magazine*, June 10, 2014.
- "Combating the Recent Rise in Class Actions Involving No-Injury, Consumer Fraud and Warranties," paper presented by C. Dawson at the American Conference Institute's 7th Annual Summit on Defending & Managing Automotive Product Liability Litigation, Chicago, June 2014.
- "Channeling Your Inner Olivia Pope (Part 2)," *InsideCounsel Magazine*, May 22, 2014.
- "Channeling Your Inner Olivia Pope," *InsideCounsel Magazine*, May 2, 2014.
- "A View from the South: An Examination of Key Issues That Arise in Class Action and Multidistrict Litigation," *Colloque national sur les recours collectifs - Développements récents au Québec, au Canada et aux États-Unis*, Vol. 380, 2014.
- "Be(A)ware of Litigation Involving Caffeinated Products," *Food Manufacturing*, June 3, 2013.

### **Presentations**

- "Alumni in Residence with Cari Dawson," Harvard Law School, webinar, March 30, 2023.
- Recent Developments in Georgia and Federal Class Action Litigation, Atlanta, GA, March 23, 2023.
- "Employee COVID Testing," Women, Influence, & Power in Law Conference, webinar, October 26 - 30, 2020.
- "10 Business Development Strategies to Help You Build a Viable Book of Business," The 14th Annual Career Strategies Conference, Corporate Counsel Women of Color, New York, NY, October 10-12, 2018.

## ***Professional & Community Engagement***

- Atlanta Bar Association
- American Bar Association
- National Bar Association
- Eleventh Circuit Lawyers Advisory Committee
- Emory Institute of Complex Litigation and Mass Claims, Advisory Board

## ***Accolades***

- *Lawdragon*, “500 Leading Lawyers in America” (2022)

## ***Education***

- Harvard University (J.D., 1993)
- Princeton University (A.B., 1990)

## ***Admitted to Practice***

- Georgia

## ***Related Services***

Litigation | Products Liability | Privacy, Cyber & Data Strategy | Toxic Torts | Class Action & Multidistrict Litigation | Insurance | Retail | Environmental Litigation