

Elizabeth Helmer

Partner

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Elizabeth is a partner in the Litigation & Trial Practice Group. Elizabeth represents both plaintiffs and defendants in high-stakes commercial litigation throughout the country, from inception through trial. Her clients include Fortune 100 companies, leading global technology and insurance companies, and companies involved in manufacturing, consumer products, and the media.

She focuses her practice on cases involving unfair competition, intellectual property and trade secrets, antitrust, insurance, and complex contractual disputes where hundreds of millions of dollars are at stake. She also represents clients in defamation and First Amendment matters. She was a core member of the defense team in an eight-week, \$5 billion jury trial and has helped recover hundreds of millions in settlements on behalf of plaintiffs.

Elizabeth has been co-lead counsel in two jury trials and has significant experience with multidistrict litigation (MDL), getting complex cases ready for trial, taking and defending depositions in the U.S. and abroad, pre- and post-trial motion practice, and working with witnesses and damages experts in bet-the-company cases. Elizabeth has also worked on numerous state and federal court appeals.

Representative Experience

- Trial counsel on behalf of a major technology company prosecuting a series of price-fixing antitrust lawsuits in the Northern District of California.
- Represented a Fortune 50 technology company in case involving an alleged conspiracy to steal trade secrets, antitrust and RICO claims, and various other intentional torts.
- Trial counsel on behalf of a major automobile insurance company defending 30 consolidated antitrust and RICO cases in an MDL proceeding in the Middle District of Florida; obtained dismissal of all claims.
- Member of the trial counsel team of a major automobile insurance company defending an antitrust action brought by the Louisiana attorney general; won motion to dismiss.
- Defended a national insurance company in a case involving an alleged conspiracy among insurance companies and a standard-setting organization to underinsure homeowners; The plaintiff asserted more than 20 state-law, antitrust, and RICO claims. Obtained a complete dismissal of all claims.
- Defending a national insurance carrier in Arkansas class action involving subrogation practices.
- Obtained a preliminary injunction on behalf of a manufacturing company in Alabama federal court based on former employees' alleged theft of trade secrets.
- Represented a national insurer in a case involving business interruption insurance related to COVID-19 pandemic.
- Defending a national insurer in a class action in Pennsylvania involving claim arising out of high-performance driving events.

- Represented a health care provider in antitrust case involving alleged conspiracy with insurance providers and market allocation scheme.
- Representing a law firm client regarding fiduciary and malpractice litigation.
- Represented a client in a defamation case and obtained a dismissal of claims under Georgia's revised anti-SLAPP statute, including claims for abusive litigation, defamation, false light, tortious interference, and intentional infliction of emotional distress.
- Representing a national paper company as the plaintiff in products liability litigation arising out of defective flame arresters in its paper mills.
- Defending a national chemical company in a products liability and RICO case arising out of the transportation of hazardous chemicals.
- Trial counsel in commercial litigation on behalf of a major appliance manufacturer in the Southern District of Georgia.
- Represented a high-profile attorney in litigation with former partners, including defamation claims.
- Represented a Chinese American citizen in an economic espionage case.
- Trial counsel representing a consumer products distributor in a case involving the Lanham Act, design patent infringement, and unfair competition claims in the Southern District of New York.
- Core member of the trial team in an antitrust case for a national technology company in the Northern District of California, securing more than \$300 million in settlements from the defendants, working extensively with expert witnesses, took fact and expert depositions in the U.S. and Japan and was responsible for briefing a hotly contested legal issue (involving the right to recover damages under the Foreign Trade Antitrust Improvements Act), the resolution of which increased the client's damages claim by billions and drove key settlements.
- Trial counsel representing an international baby products company in breach of contract and unfair competition claims in Louisiana state court, and oversaw all aspects of discovery, took and defended depositions in the United States and abroad, drafted all trial and appellate court briefs, argued discovery motions, retained and prepared expert witnesses for deposition and examined witnesses at trial.
- Trial counsel representing a national publisher accused of defamation in Georgia state court while preparing and examining witnesses at trial and writing a number of successful key motions that precluded the plaintiff from recovering punitive damages and ultimately wiping out a substantial portion of the jury verdict.
- Core member of the trial team representing a Fortune 50 technology company in a trade secrets and unfair competition jury trial in New Orleans, where claimed damages exceeded \$5 billion. After seven weeks of trial, the jury rejected the plaintiffs' misappropriation of trade secrets and punitive damages claims and awarded them less than 0.2 percent of the claimed damages. The case settled on appeal for less than the judgment; worked closely with expert witnesses to prepare for trial, drafted pre-trial motions and Daubert briefs, drafted expert witness examination outlines, drafted the jury instructions and appeared for the two-day jury charge conference.
- Replacement trial counsel for the plaintiff in a fraud and breach of contract case in Los Angeles state court where the client was seeking more than \$40 million in damages related to the acquisition of aerospace companies. Obtained a favorable settlement prior to trial.
- Represented a national technology company in connection with a \$90 million royalty dispute.
- Represented an online media company accused of defamation. The Georgia Court of Appeals ruled in favor of the clients, finding that the plaintiff's claims were barred by the Communications Decency Act.

- Replacement trial counsel representing a national appliance and electronics manufacturer in a multimillion-dollar complex contractual dispute.
- Represented an international energy company in the Northern District of Florida involving the ownership of intellectual property rights, handling all aspects of discovery and motion practice and writing the winning motion for summary judgment.
- Represented a medical payments company in an FTC investigation related to methodology for collecting HIPAA authorizations and electronic consent forms.
- Represented the owner of a major sporting enterprise in North Carolina trial and appellate proceedings involving the right of privacy and access to court proceedings.
- Represented the sanctioning body of a large sports enterprise in a licensing dispute in the Middle District of Florida.
- Core team member on numerous federal class actions representing national insurance companies. In many, all claims were thrown out at the motion to dismiss stage. Two cases were appealed to the Eleventh Circuit and dismissals in favor of the client were affirmed.
- Represented a national carrier service in various commercial litigation matters.
- Represented medical providers accused of defamation in Georgia state court.

Publications & Presentations

Publications

- “Examining the Application of RICO in Trade Secret Cases,” *Intellectual Property & Technology Law Journal*, Vol. 34, No. 3, March 2022.
- “Setting the Boundaries for Georgia’s Revised Anti-SLAPP Statute,” *The Daily Report*, May 4, 2017.

Professional & Community Engagement

- Atlanta Volunteer Lawyer Foundation, board member
- United Way Cole Advisory Panel

Accolades

- *Georgia Super Lawyers*, 2018 Rising Stars (Business Litigation)

Education

- The University of North Carolina (J.D., 2007)
- The University of North Carolina at Chapel Hill (B.A., 2003)

Admitted to Practice

- Georgia

Related Services

Antitrust | Litigation | Commercial | Privacy, Cyber & Data Strategy | Insurance Litigation & Regulation | High Exposure Claims, Coverage & Bad Faith Defense | Insurance Regulatory Guidance | Insurance-Related Antitrust Defense | Policy Drafting and Product Development | Policyholder Class Action Defense | Industrials & Manufacturing