



## Kristin A. Shepard

Counsel

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### *Related Services*

Class Action & Multidistrict Litigation ■ Litigation ■ Insurance ■ Privacy, Cyber & Data Strategy ■ Financial Services Litigation ■ Insurance Litigation & Regulation ■ ERISA Litigation

With more than two decades of experience, Kristin concentrates her practice on defending insurance companies and financial institutions in complex, high-stakes litigation. She has defended insurers in policyholder class actions and multidistrict litigation, including underlying claims of breach of contract, consumer fraud, unfair insurance practices, RICO, and various common-law torts. Kristin's experience also includes defending corporate-owned life insurance (COLI) carriers in litigation by policyholders and insureds.

In addition to her litigation practice, Kristin counsels clients on how to minimize class action and insurance regulatory risk. She has assisted clients responding to insurance market conduct exams and regulatory investigations involving life insurance, annuities, and property and casualty insurance. She was recognized by Thomson Reuters in the 2022 Stand-out Talent Survey for providing outstanding client service.

### *Representative Experience*

- Defeated certification of a nationwide class action of index annuity policyholders due to variations in state law governing insurance contract interpretation.
- Won dismissal of a class action by annuity beneficiaries due to lack of standing and for failure to state a claim under RICO and various common-law torts.
- Obtained multidistrict litigation consolidation of copycat annuity sales practices class actions alleging claims under RICO and state law. Settled classwide on favorable terms, and enforced the settlement to bar action by the state attorney general on behalf of consumers.
- Won dismissal of class action claims by Illinois insureds for refund of auto insurance premiums due to alleged reduction in driving during the COVID-19 pandemic.
- Served as national coordinating counsel for insurer defending business interruption claims in the wake of the COVID-19 pandemic.
- Secured dismissal of property-casualty insurance class actions based on the filed rate doctrine.
- Obtained an order vacating certification of a national class action alleging breach of the cash value provision of life insurance contracts.
- Secured an order affirming a denial of certification of a class of life insurance purchasers on appeal where the statute of limitations defense raised individualized issues that could not be resolved classwide.

## ***Publications & Presentations***

### ***Publications***

- “Strategies for Defending Data Breach Class Actions,” *In-House Defense Quarterly*, Defense Research Institute, Fall 2019.
- “Consent, Not Coercion: Supreme Court Rejects Contractual Ambiguity as a Basis for Class Arbitration,” *The National Law Review*, Vol. 9, No. 114, April 24, 2019.
- “U.S. Supreme Court Declines to Hear Zappos Data Breach Case,” *The National Law Review*, Vol. 9, No. 86, March 27, 2019.
- “Standing to Settle? Supreme Court Remands Privacy Class Settlement for Scrutiny of Named Plaintiffs’ Standing,” *The National Law Review*, Vol. 9, No. 79, March 20, 2019.

### ***Presentations***

- “Life and Annuity Class Actions Update,” ALIC - 2022 Regional Roundtable, Washington, D.C., October 25, 2022.
- “Don’t Bet the Company! Strategies for Reducing Class Action Exposure,” Association of Corporate Counsel, Chicago, IL, November 6, 2019.
- “Current Trends in Data Breach Litigation,” DRI Business Litigation Super Conference, Austin, TX, May 8-10, 2019.

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

- U.S. Court of Appeals for the First Circuit
- U.S. Court of Appeals for the Third Circuit
- U.S. Court of Appeals for the Seventh Circuit
- U.S. District Court for the Western District of Michigan
- Children’s Law Center
- DC Volunteer Lawyers Project

## ***Education***

- Washington University in St. Louis (J.D., 2000)
- Washington University in St. Louis (B.A., 1997)

## ***Admitted to Practice***

- District of Columbia
- Missouri