



GRETCHEN FREEMAN CAPPIO

CONTACT INFO

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PRACTICE EMPHASIS

- Consumer Protection
- Employee Benefits & Retirement Security
- Employment Law
- Environmental Litigation
- Governments & Municipalities
- Financial Products & Services
- Mass Personal Injury
- Whistleblower

EDUCATION

Dartmouth College

B.A., *magna cum laude*, 1995,
Religion, Environmental Studies
Certificate, Phi Beta Kappa,
Foreign Studies: 1992 Germany,
1994 Kenya

University of Washington School of Law

J.D., 1999, Executive Comments
Editor, Pacific Rim Law & Policy
Journal, 1998-1999

Gretchen Freeman Cappio has a track record of success in multidistrict litigation.

Gretchen's passion for striving for meaningful change through the class action device is rooted in her experience representing the plaintiff class in *Erickson v. Bartell Drug Co.*, 141 F. Supp. 2d 1266 (W.D. Wash. 2001). Remarkable for its time, *Erickson* established that an employer violated Title VII of the Civil Rights Act when its otherwise comprehensive insurance coverage plan failed to cover certain prescriptions vital to women.

Gretchen has gone on to play a key role on the leadership team representing consumers in the multi-billion dollar litigation *In re Volkswagen "Clean Diesel" Marketing, Sales Practices, & Prod. Liab. Litig.*, MDL 2672 (N.D. Cal.). She has been involved in negotiations, drafted key settlement documents, and supervised notice in the 2.0-liter, 3.0-liter, and Bosch settlements. Gretchen presented the 3.0-liter notice plan at the preliminary approval hearing.

Gretchen is also a member of the Plaintiffs' settlement team in another impactful diesel emissions MDL, *In re Chrysler-Dodge-Jeep EcoDiesel Mktg., Sales Practices, & Prod. Liab. Litig.*, MDL 2777 (N.D. Cal.). Lead counsel asked her to coordinate key briefing assignments, expert work, and arguments.

Keller Rohrback is honored to be the sole firm appointed to represent the class in *Jabbari v. Wells Fargo & Company*, No. 15-2159 (N.D. Cal.). Gretchen helps lead the Keller Rohrback team that filed the first class action lawsuit against Wells Fargo alleging the bank signed its consumers up for products without their authorization. From filing the complaint to settling it for \$142 million, Gretchen has played an integral role at every stage of litigation. Through innovative work with renowned economists, the settlement achieves first-of-its kind credit injury damages, which are tailored to each eligible class member's injury. Plaintiffs' motion for final approval is currently pending.

From its inception, Gretchen played a key role in guiding the litigation regarding EpiPen pricing, *In re: EpiPen (Epinephrine Injection, USP) Mktg., Sales Practices, & Antitrust Litig.*, MDL 2785 (D. Kan.). Keller Rohrback's managing partner, Lynn Sarko, is co-lead of the litigation. He and his co-lead counsel have tasked Gretchen with drafting dispositive briefing and coordinating offensive and defensive discovery.

When a paper products company vacated a Midwestern town and left an environmental disaster in its wake, Gretchen represented the community. The mayor praised Gretchen and her team's work, stating, "You were knowledgeable, responsive and genuinely cared about the Village's case." Gretchen applies these same attributes as a leading member of the Keller Rohrback team that has subsequently been hired by numerous counties to represent them in the national Opioid litigation, *In re: National Prescription Opiate Litig.*, MDL 2804 (N.D. Ohio). Keller Rohrback's team is designing a damages model that seeks to address one of the most urgent human-made epidemics in our country's history.

When parents discovered their children's toys were contaminated by lead paint, they hired Gretchen to bring the case that became *In re Mattel, Inc.*, MDL 1897 (C.D. Cal.). In addition to briefing core legal issues, Gretchen worked with lead poisoning experts for litigation and settlement purposes.

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Gretchen's work on dispositive briefing and arguments in the co-lead counsel team against a major national bank led to the settlement of *In re JPMorgan Chase Mortg. Modification Litig.*, MDL 2290 (D. Mass.), resulting in improved home mortgage modification processes for homeowners. A former Treasury Department official estimated the value of the settlement to exceed \$500 million.

Sony Pictures employees turned to Gretchen and her colleagues when their sensitive data was stolen as part of a massive cyberattack. Gretchen worked with data security experts to help fashion important injunctive and monetary relief. *Corona v. Sony Pictures Entertainment, Inc.*, No. 14-9600 (C.D. Cal.).

With a reputation for effective collaboration and leadership, Gretchen takes on impactful litigation and delivers meaningful results.

BAR & COURT ADMISSIONS

1999, Washington

2000, U.S. District Court for the Western District of Washington

2008, U.S. Court of Appeals for the Eighth Circuit

2009, U.S. Court of Appeals for the Ninth Circuit

2009, U.S. Supreme Court

2011, U.S. District Court for the Eastern District of Washington

2011, U.S. Court of Appeals for the Sixth Circuit

2015, U.S. District Court for the Eastern District of Michigan

PROFESSIONAL & CIVIC INVOLVEMENT

Institute for Complex Litigation and Mass Claims at Emory University School of Law

Emerging Leaders Board of Advisors, *Inaugural Member*

Class Action Roundtable, *Reporter*

Global Justice Center, *Board Member*

The Global Justice Center works worldwide and domestically with women's rights advocates, grassroots groups, and policymakers to prevent and respond to gender-based violence.

The William L. Dwyer American Inn of Court, *Member*

King County Bar Association, *Member*

Washington State Bar Association, *Member*

American Bar Association, *Member*

Washington Women Lawyers, *Member*

Washington State Trial Lawyer's Association, *Member*

American Association for Justice, *Member*

The National Trial Lawyers, *Member*

Mother Attorney Mentoring Association (MAMAS), *Member*;
Founding Board Member, 2006-2008

HONORS & AWARDS

Selected to Rising Stars list in *Super Lawyers - Washington*, 2002, 2009-2012

SELECTED PUBLICATIONS & PRESENTATIONS

Guest Lecturer, Stanford Law School, Multidistrict Litigation, February 22, 2019.

Presenter, ABA Section of Litigation, Discovery and Ethical "Rules of the Road" for Working with Expert Witnesses, July 19, 2018.

Presenter, Bristol Myers Squibb Panel, UC-Irvine, UC-Berkeley, & Emory University Schools of Law First Joint Coordination Conference at Berkeley, June 5, 2018.

Law Seminars International Presents: The 14th Annual Conference On Litigating Class Actions, May 10-11, 2018.

Presenter, Consumer Protection and the Opioid Crisis.

Presenter, Corporate Fraud Against Consumers.

Presenter, Settlement Strategies for Class Actions and Multidistrict Litigation.

Presenter, HarrisMartin's Plaintiff Opioid MDL Conference, "Causation and Science," January 8, 2018.

Presenter, HarrisMartin MDL Conference, "Opioid, Equifax & Talcum Powder, Equifax Data Breach: What Happened? Who Was Impacted? What Are the Damages?," November 29, 2017.

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PUBLICATIONS & PRESENTATIONS (CONT.)

Presenter, National Consumer Law Center, "Effectively Persuading Your Judge," NCLC Consumer Class Action Symposium, November 18, 2017.

Presenter, Practising Law Institute 22nd Annual Consumer Financial Services Institute 2017.

Panelist, Law Seminars International – 13th Annual Conference on Litigating, "Settlement Strategies for Class Actions and Multidistrict Litigation," April 28, 2017.

Panelist, EmoryLaw NextGen Conference and EmoryLaw Fed. Judicial Ctr. and JPML Program, December 14-16, 2016.

Panelist, HarrisMartin's MDL Conference, "Settlements in Mass Tort and Class Action Litigation," July 27, 2016.

Panelist, American Association for Justice webinar, "Dissecting the U.S. Supreme Court Decision in Spokeo," Inc. v. Robins, May 26, 2016.

Panelist, Law Seminars International, "VW Diesel Emissions Litigation: A Case Study of the Interplay Between Government Regulatory Activity and Consumer Fraud Class Actions," May 6, 2016.

Presenter, PLI Consumer Financial Services Institute 2016, "Data Security & Privacy Issues," May 12, 2016.

Panelist, HarrisMartin Pharmaceutical and Environmental Mass Tort Litigation, Class Action and Data Breach Litigation, March 30, 2016.

Panelist, Bridgeport Consumer Class Action Litigation Conference, "Current State of the Law on Ascertainability and Standing," January 8, 2016.

Panelist, HarrisMartin MDL Conference Volkswagen and Pharmaceutical Update: RICO and Additional Defendants, December 2, 2015.

Panelist, Bridgeport Volkswagen Class Action & MDL Seminar – Diesel Emissions Scandal, November 23, 2015.

Panelist, HarrisMartin Volkswagen Diesel Emissions Litigation Conference: RICO and Additional Defendants, October 27, 2015.

Panelist, Law Seminars International, The Eleventh Annual Comprehensive Conference on Class Actions, "Data Breaches: Cases at the Intersection of Class Actions and

Internet Technology," June 4, 2015.

Panelist, ABA Section of Dispute Resolution Meeting 17th Annual Spring Conference, "Solutions in Seattle: A View From the Trenches: What's Working and What's Not Working with Mediators," April 16, 2015.

Presenter, HarrisMartin Data Breach Litigation Conference, "Coming of Age: The Differences between Employee and Consumer Cases," March 25, 2015.

Presenter, Practising Law Institute, Managing Complex Litigation 2014: Class Actions; Mass Torts & MDL, October 21, 2014.

Presenter, Class Action Conference, "Recent Settlement Trends in Class Actions and Multidistrict Litigation: A Detailed Look at the Process for Settling and Administering Settlements: How case law in the past several years is playing out in the courts and in ADR; best practices for designing a settlement that the courts will approve; how to administer the settlement once it is approved," June 13, 2014.

Presenter, Harris Martin's MDL Conference, "Target Data Security Breach Litigation: Recent Development, Issues in Data Breach Litigation," March 26, 2014.

Presenter, Law Seminars International, Class Actions and Other Aggregate Litigation Seminar: Post-Certification Motion Issues in Class Actions, May 14, 2013.

Panelist, Chartis Security & Privacy Seminar, October 20, 2011.

Presenter, 20th Annual American Bar Association Tort Trial and Insurance Practice Section Spring CLE Meeting, "Toxic Torts: Toxins In Everyday Products," April 1, 2011.

Gretchen Freeman Cappio, Erosion of Indigenous Right to Negotiate in Australia, 7 Pac. Rim L. & Pol'y J. 405 (1998).