

## Leo Norton

## Special Counsel



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San Diego

Class Action Litigation

Issues and Appeals

Commercial Litigation

Cyber/Data/Privacy

Retail and Consumer Products

Leo represents technology companies, retailers, and consumer product and apparel businesses in class action litigation, commercial litigation, and appellate litigation.

Leo defends against nationwide and state wide consumer class actions brought under a wide variety of consumer protection statutes, including California Consumer Legal Remedies Act (Civil Code § 1750 et seq.), California Unfair Competition Law (Business & Professions Code §§ 17200 et seq.), California False Advertising Law (Business & Professions 17500 et seq.), Civil Code section 1747.08 of the Song Beverly Credit Card Act (collection of personal information in a credit card transaction), and Fair Credit Reporting Act (FCRA) for alleged violations of 15 U.S.C. § 1681c(g) of the Fair and Accurate Credit Transaction Act (FACTA) (truncation of electronically printed customer receipts). He also defends companies facing class actions or individual lawsuits or demand letters under Title III of the Americans with Disabilities Act or California's Unruh Act, as well as against California wage and hour class actions.

Leo also has extensive experience representing companies in a wide variety of commercial and complex business disputes, including cases involving claims for breach of contract, breach of warranty, privacy, negligence, fraud, products liability, indemnity and unjust enrichment.

He also has represented clients in various civil writs and appeals in California and federal appellate courts as both party and amicus counsel, resulting in several published decisions:

- *Rincon Band of Luiseño Mission Indians of the Rincon Reservation California, et al. v. Larry Flynt, et al.*, 70 Cal.App.5th 1059 (2021) (affirming sustaining of demurrer and judgment against plaintiffs that asserted claims for public nuisance, unfair competition, declaratory and injunctive relief, and tortious interference with a contractual relationship and prospective economic advantage over certain types of card games)
- *In re EasySaver Rewards Litig.*, 906 F.3d 747 (9th Cir. 2018), cert. denied, 139 S.Ct. 2744 (2019) (approving nationwide class settlement in consolidated consumer class action cases cover objection from class member)
- *Long v. Provide Commerce, Inc.*, 245 Cal. App. 4th 855 (2016) (setting standards for enforceability of arbitration provision in website terms of use)
- *Nguyen v. Barnes & Noble, Inc.*, 763 F. 3d 1171 (9th Cir. 2014) (deciding enforceability of arbitration provision in website terms of use)
- *Pineda v. Williams-Sonoma Stores Inc.*, 51 Cal.4th 524 (2011) (deciding whether requesting ZIP Code from customers violates consumer protection statute)
- *TJX Companies, Inc. v. Superior Court*, 163 Cal. App. 4th 80 (2008) (reversing trial court on demurrer and

motion to strike resulting in complete client victory and win for retailers in general in a class action brought under California Civil Code section 1747.08 of the Song Beverly Credit Card Act, which held that the statute did not apply to merchandise returns and that claims under the statute are subject to a one-year limitations period)

- *Murphy v. Kenneth Cole Productions, Inc.*, 40 Cal.4th 1094 (2007) (deciding whether Labor Code section 226.7 constitutes a wage or premium pay subject to a three-year statute of limitations or a penalty subject to a one-year statute of limitations)

As part of his class action practice, Leo has filed motions before the Judicial Panel on Multidistrict Litigation and the California Judicial Council to centralize related cases pending in disparate courts.

While at Loyola Law School, Los Angeles, Leo graduated Cum Laude and was elected to the Order of the Coif, was a member of the St. Thomas More Law Honor Society and earned the First Honors Award in Computers and the Law, Conflict of Laws, and Employment Discrimination Law.

Prior to joining Cooley, Leo was an associate with Severson & Werson in Irvine, California, where his practice focused on consumer finance, employment and general business litigation.

## Education

Loyola Law School  
JD, 2001

University of Southern California  
BS, 1998

## Admissions & Credentials

California

## Court Admissions

US Supreme Court

US Court of Appeals for the Ninth Circuit

US District Court for the Central District of California

US District Court for the Eastern District of California

US District Court for the Northern District of California

US District Court for the Southern District of California

US District Court for the District of Colorado

## Memberships & Affiliations

American Bar Association

San Diego County Bar Association