



Nancy E. Harris
Principal

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Practice Groups

Commercial Litigation
Trial and Litigation
Workplace Investigations

California Bar Number

197042

Education

University of Texas School of Law, JD,
magna cum laude

University of Texas, MPA, Public Affairs

University of California, San Diego, BA,
Public Affairs, *magna cum laude*, *Phi Beta
Kappa*

Practicing Since: 1998

Nancy Harris is the Chair of Meyers Nave's Commercial Litigation Practice Group. She is an accomplished trial lawyer who handles a wide variety of litigation matters. Nancy has nearly 20 years of experience helping individuals and companies resolve commercial disputes, regulatory compliance investigations and related litigation throughout California and across the country. She has special expertise in governmental compliance and investigations, unfair business practices and false advertising, consumer class actions, data security, intellectual property, and insurance coverage.

Nancy's clients include multinational corporations, privately held startups, and corporate officers, directors and executives. Her experience covers a variety of industries, including software as a service, healthcare, accounting, publishing, banking, retail, manufacturing and real estate. Nancy focuses on resolving engagements prior to trial, such as through motion practice and/or mediation. However, she has also achieved successful results when trial was merited, including complete defense victories and multi-million dollar verdicts. Her cases often involve high-profile matters that receive media attention and recognition such as a litigation result that the *Daily Journal* selected as a Top Defense Verdict.

Prior to joining Meyers Nave, Nancy was Of Counsel in the San Francisco office of Orrick, Herrington & Sutcliffe, where she handled California, interstate and cross-border commercial litigation matters on behalf of U.S. and multinational businesses and corporate executives. She served on the Board of Directors of the Lawyers' Committee for Civil Rights of the Bay Area from 2006 to 2016.

Nancy attended the University of California, San Diego for her undergraduate degree and obtained her law and master's degrees from the University of Texas School of Law and Lyndon B. Johnson School of Public Affairs.

Honors and Awards

- Jack W. Londen Award for Civil Rights Impact Litigation, Lawyers' Committee for Civil Rights of the Bay Area, 2010
- Keta Taylor Colby Pro Bono Award, Lawyers Committee for Civil Rights of the San Francisco Bay Area, 2003

Professional Affiliations

- Member, Association of Business Trial Lawyers
- Member, The State Bar of California
- Board of Directors, Lawyers' Committee for Civil Rights of the San Francisco Bay Area, 2006-2016

Presentations and Publications

- Author, "Is FCA Ruling a Long-Term Win?", *Daily Journal*, May 22, 2019
- Presenter, "Women in the Courtroom," Women Leadership in Law Conference, November 15, 2018
- Author, "The Scope of District Attorney's Ability to Pursue a UCL Claim," *Daily Journal*, June 14, 2018
- Author, "Can You Impeach With RFA Denials? – Victaulic Company's \$55 Million Dollar Question," *The Recorder*, March 22, 2018
- Author, "The Ninth Circuit's Recent 'Resh' Decision: An Invitation to a Game of Musical Chairs in Class Action Litigation," *Law.com*, June 29, 2017
- Author, "When Customers Meet Whistleblowers In A FCA Case," *Law360*, February 24, 2015
- Presenter, "False Claims Act," Seton Hall Law Life Sciences West Coast Compliance Certification Program, September 9, 2014
- Moderator, "Recent Developments in Insurance Coverage for Data Breaches," Bar Association of San Francisco, May 6, 2014
- Presenter, "Insurance Coverage Issues in Class Action Litigation," Class Action Litigation & Management Conference, Bridgeport Continuing Education, August 23, 2013

Representative Experience

Class Action and Commercial Litigation

- Obtained a Temporary Restraining Order that will protect a company's trade secrets and greatly reduce unfair competition from a business that two employees set up with stolen confidential information.
- Represent leading marketer and manufacturer of lawn, garden and pet supplies in defense of trade secret misappropriation claims relating to product manufacturing process.
- Lead counsel for online ticketing and marketing company in defense and settlement of a nationwide class action asserting privacy claims arising from a data breach.
- Obtained favorable settlement for higher education service provider in a breach of contract and business torts action brought by its former partner venued in the Eastern District of Pennsylvania.
- Obtained favorable settlement for Singapore-based hotel industry client of purported class action asserting violations of California's statute prohibiting the recording of conversations.
- Obtained dismissal with prejudice of class action claims relating to Google's mobile subscription service AdWords.
- Represented Japanese corporation in seven-day bench trial before the International Trade Commission in Section 337 Investigation involving issues of patent infringement and validity relating to biogenetic manufacturing process.
- Obtained favorable jury verdict in an employment age discrimination and breach of contract case tried before federal court jury in Northern District of California.

Internal and Governmental Investigations

- Represent retailer and manufacturer of cosmetics and drugs concerning slack fill allegations by California District Attorneys.
- Defend clients in District Attorney and Attorney General investigations alleging false or misleading labeling or advertising of cosmetics, over-the-counter drugs, dietary supplements, and homeopathic products.
- Obtained favorable, non-litigation resolution for higher education technology company in connection with False Claims Act investigation by the Department of Education and the Department of Justice regarding financial federal aid payments and recruitment strategies utilized by the company. Extensive internal investigation included interviews of dozens of current and former employees and students. After presentations and negotiations, the

DOE/DOJ declined to intervene and the *qui tam* relator actions were dismissed without further prosecution.

- Obtained favorable, non-litigation resolution for national retailer in federal False Claims Act investigation initiated by the U.S. Department of Justice and the U.S. Department of Agriculture alleging overpayments of more than \$100 million made by a public benefit program to a public corporation. California-focused internal investigation involved interviews of hundreds of employees at more than 30 corporate sites. After presentations and mediation, the DOJ elected not to intervene and accepted the remedial steps undertaken by the company.
- Represent an executive of a medical device corporation in connection with mislabeling claims.
- Defense of publishing company against unfair competition and false advertising claims asserted by California District Attorneys relating to alleged negative option subscriptions.
- Represented former President of Countrywide Financial Corporation in connection with investigations by and litigation with the California Attorney General and the SEC, and related class actions.
- Obtained full acquittal after a six-week trial for former CFO of medical distribution company in connection with criminal securities fraud charges by the U.S. Department of Justice, arising out of \$9 billion market cap loss following earnings restatement.

Insurance Coverage Disputes

- Represented online event ticket service company in dispute with General Liability insurance carrier regarding coverage for claims arising from data breach event.
- Represented internet hospitality industry client in connection with insurance coverage relating to data breach and negotiation of dispute with acquirer relating to data breach.
- Counsel for numerous companies seeking to maximize insurance coverage for data breach and/or privacy events.
- Obtained arbitration verdict in excess of \$16 million on behalf of hospital system in dispute with an excess reinsurer regarding coverage of medical malpractice claims.