



Jennifer Janeira Nagle

Partner

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OVERVIEW

Jen Nagle is a commercial litigator with a demonstrated focus on working with clients to build dispute resolution strategies that balance advocacy and pragmatism. Whether addressing contractual disputes, allegations concerning deceptive acts and practices, disputes arising from employment or quasi-employment relationships, violations of restrictive covenants, misappropriation of trade secrets, or intellectual property violations, among many other things, Jen works closely with her clients to understand their business and legal goals and to develop and execute a litigation strategy that balances those interests.

Jen brings this experience and focus to commercial disputes of all kinds, but has deep knowledge in the area of class action defense in particular, having defended businesses across industries against consumer protection class actions filed in state and federal courts around the country. Stemming from that extensive experience, Jen has most recently designed a portfolio runbook and built a team that currently handles all class action demands and litigation concerning deceptive or misleading marketing of consumer products for one of the world's largest retailers.

Jen has assisted with designing, implementing, refining, and managing various other types of litigation portfolios as well. She has developed and implemented a toolkit for helping clients anticipate and manage litigation trends, prepare strategies for trending or volume litigation, and build processes and teams to both maximize successful resolution of portfolio matters and minimize disruption to clients' in-house attorneys and internal business operations. Jen has successfully revamped litigation portfolios involving class actions, employee disputes, and personal injury complaints, among others underway.

Jen also regularly advises clients outside of litigation in the area of restrictive covenants, including as to compliance with state laws, assessment of hiring and separation risks, and strategic analysis related to enforcement of restrictive covenants.

PROFESSIONAL BACKGROUND

Jennifer joined K&L Gates in September of 2007.

PROFESSIONAL / CIVIC ACTIVITIES

- Greater Boston Chamber of Commerce, Women's Network Advisory Board
- National Association of Women Lawyers (NAWL)
- Canton Association of Parents and Teachers, Fundraising & Special Events
- Girl Scouts of Eastern Massachusetts, Troop Leader

SPEAKING ENGAGEMENTS

- Consumer Finance 101: What Every Business Should Know, *K&L Gates LLP Webinar Presentation* (April 2018)
- Consumer Finance for Fintech Start-Ups, *Boston University TechConnect 2018: The Future of Money*, Live Presentation (February 16, 2018)
- The Mortgage Lifecycle: Litigation Hotspots From Origination Through Foreclosure, *K&L Gates LLP Webinar Presentation* (February 24, 2016).

EDUCATION

- J.D., University of Pennsylvania Law School, 2007 (*Best Oral Advocate, 2007 Edwin R. Keedy Moot Court Competition; Associate Editor, Journal of International Law & Policy, now Journal of International Law*)
- B.A., Drew University, 2003 *summa cum laude*

ADMISSIONS

- Bar of Massachusetts
- Bar of New Jersey
- United States Court of Appeals for the First Circuit
- United States Court of Appeals for the Fourth Circuit
- United States Court of Appeals for the Seventh Circuit
- United States District Court for the District of Massachusetts
- United States District Court for the District of New Jersey

THOUGHT LEADERSHIP POWERED BY HUB

- 16 November 2020, Litigation Minute: Practical Advice for Protecting Trade Secrets

- 21 January 2020, 2019 Non-Compete Statutes Are Officially In Effect: Are Employers Ready?
- April 2018, Consumer Finance 101: What Every Business Should Know
- 1 March 2017, Proposed Fairness in Class Action Litigation Act of 2017 Seeks to Curb Attorney Abuses of Class Action Device and Expand Class Action Defendant Protections
- 22 January 2016, Your Money Is No Good Here: U.S. Supreme Court Holds That an Unaccepted Rule 68 Offer of Complete Relief Does Not Moot an Individual's Claims, but Questions Remain
- 21 January 2016, Step by Step: Stricter Requirements for Class Certification Inch Closer to Legislative Enactment
- 17 December 2015, Class Action Defendants Take Notice: New Rule 37(e) Reduces ESI Preservation Risks and Offers Options to Reasonably Manage Obligations

OTHER PUBLICATIONS

- "Class Action Defense: Don't Give Up On Bristol-Myers Squibb," *Law360*, 25 October 2023

NEWS & EVENTS

- 17 February 2016, K&L Gates Names 50 New Partners

MEDIA MENTIONS

- Mentioned, "GOOGLE LLC: Sandofsky Appeals FCRA Suit Dismissal to 1st Cir.," *Class Action Reporter*, 5 October 2021

AREAS OF FOCUS

- Commercial Disputes
- Class Action Litigation Defense
- Employment Disputes and Investigations
- Financial Institutions and Services Litigation

REPRESENTATIVE EXPERIENCE

- Defend global online retailer against various consumer deception class actions filed in federal court concerning heavy metals in spices
- Defend and secure dismissal of international bank from class action alleging tortious aiding and abetting of a worldwide Ponzi scheme

- Defend global online retailer against consumer deception class action filed in federal court concerning purported video gaming console malfunctions
- Defend global online retailer against consumer deception class action filed in federal court concerning labeling of cold medications
- Represent international company as claimant in international arbitration alleging breach of contract and trade dress violations against former manufacturer and distributor
- Represent international company as plaintiff in federal court litigation alleging trademark infringement arising from clickbait scams
- Defend national cloud computing company in state court litigation alleging misappropriation of trade secrets by hiring of national sales person
- Represent international bank regarding self-reported issues pertaining to proof of claim issues on credit card account proofs of claim, including negotiation and consent order with the Executive Office of the United States Trustees
- Defend international wireless service provider in putative class action alleging violations of the TCPA in connection with allegations of text messages placed to borrowers without proper consent
- Defend national marketing company in state court litigation alleging misappropriation of confidential information by newly hired employee as to information belonging to former employer
- Defend national software company in state court litigation alleging violation of business-business agreement not to solicit employees and potential misappropriation of trade secret
- Defendant global corporation in connection with new hire in potential violation of restrictive covenants with former employer
- Advise global corporation regarding restrictive covenant and employment obligations as to incoming and departing employees
- Defense of international company in state court litigation alleging breach of real estate development contract
- Advise online business loan originator in review of employee category classifications and recommended reclassifications
- Defense of national mortgage lender in class actions alleging violations of federal anti-kickback statute
- Defense of national company in class action alleging violations of the Fair Debt Collection Practices Act and California Rosenthal Fair Debt Collection Practices Act arising from standard invoicing procedures managed through vendors
- Defense of mortgage lender in class actions alleging violations of federal anti-kickback statute
- Defense of national mortgage lender and loan servicer in a series of class actions alleging violations of various federal and state consumer protection statutes, including California's Unfair Competition Law, as well

as various state common law claims, including for breach of contract, negligence, and promissory estoppel, arising out of claims turning on loan modification programs

- Defend mortgage loan servicer in putative class action alleging violations of the TCPA in connection with allegations of phone calls or text messages placed to borrowers without proper consent