



Nicole C. Mueller

Partner

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OVERVIEW

Nicole Mueller is a partner in the firm's Chicago office and is a member of the Commercial Disputes practice group. Nicole is an experienced litigator, regularly appearing before federal and state courts across the United States and before arbitration panels at home and abroad. She propels positive resolutions to complex legal issues and has a proven success rate in achieving case dismissals, advantageous settlements, and favorable verdicts.

PROFESSIONAL BACKGROUND

Prior to joining the firm, Nicole served as a judicial extern for the Honorable Joan Humphrey Lefkow in the United States District Court for the Northern District of Illinois.

During law school, Nicole was the Executive Articles Editor for the *Journal of Law and Social Policy*. Nicole was also a teaching assistant for the Legal Writing and Research course and research assistant for the Environmental Advocacy Center at Northwestern University Pritzker School of Law's Bluhm Legal Clinic. Nicole also participated in the Supreme Court Clinic. Nicole served as the Treasurer for the Northwestern chapter of the American Constitution Society and Liaison to the Chicago chapter of the American Constitution Society.

In her life before becoming a lawyer, Nicole worked as a field organizer, training volunteers to coordinate political campaigns in their communities, and later as a legal assistant in a general practice law firm in Illinois.

Nicole was a summer associate at K&L Gates.

ACHIEVEMENTS

- Listed *Chicago Lawyer's* 40 Under Forty | Illinois Attorneys to Watch, 2023
- Listed in *Best Lawyers: Ones to Watch® in America*, 2021
- Listed in Illinois Super Lawyers Rising Stars list, 2020
- Selected to *Leading Lawyers Emerging Lawyers* in Illinois for Commercial Litigation, 2017

PROFESSIONAL / CIVIC ACTIVITIES

- Illinois Attorney Registration and Disciplinary Commission
 - Hearing Board Panel Chair, 2023-present
 - Hearing Board Panel Member, 2020-2023
- Board Member, Federal Bar Association, Chicago Chapter
- YP Ambassador, Chicago Council on Global Affairs, 2020-2022
- Board of Directors, Break Away: the Alternative Break Connection, 2017-2021

SPEAKING ENGAGEMENTS

- Regularly presents to firm clients regarding evolving regulatory framework surrounding securities, including cryptocurrencies and NFTs
- Presentation to firm client regarding recent trends and developments in Environmental, Social, and Governance litigation, including rise of securities litigation and regulatory actions, 17 July 2023
- "Piercing the Corporate Veil," Rossdale CLE Group, 5 April 2023
- "Piercing the Corporate Veil: Finding and Fixing Corporate Liability Loopholes," American Legal Institute Continuing Legal Education (ALI CLE), 15 November 2022
- "Letters of Intent: Execute the Deal as Intended, Skip the Courtroom," American Legal Institute Continuing Legal Education (ALI CLE), 12 July 2022
- "Regulation of Cryptocurrencies and ICOs," K&L Gates Chicago Investment Management Conference, 13 November 2018
- "Registered Fund Litigation Update," K&L Gates Chicago Investment Management Conference, 13 November 2018
- "Registered Fund Litigation Update," K&L Gates Chicago Investment Management Conference, 31 January 2018.

EDUCATION

- J.D., Northwestern University Pritzker School of Law, 2012 (*Executive Articles Editor, Journal of Law and Social Policy*)
- B.S., Tufts University, 2006 (*Stern Family Scholar*)

ADMISSIONS

- Bar of Illinois
- United States Court of Appeals for the Seventh Circuit
- United States District Court for the District of Colorado
- United States District Court for the Eastern District of Michigan
- United States District Court for the Northern District of Illinois

THOUGHT LEADERSHIP *POWERED BY HUB*

- April 2024, ESG and the Sustainable Economy Handbook
- 15 April 2024, Supreme Court Limits Shareholder Suits Based on "Pure Omissions" in Corporate Disclosures
- 9 May 2023, Florida Legislature Passes Bill to Bring Common-Sense Changes to the Florida Telephone Solicitation Act
- 3 May 2023, Florida Legislature Passes Bill to Bring Common-Sense Changes to the Florida Telephone Solicitation Act
- 14 December 2022, Ninth Circuit Answers Lingering Question on Scope of 'Autodialer'
- 25 October 2022, Ninth Circuit Weighs Impact of "Mixed Use" of Wireless Numbers on Do Not Call Regulations
- February 2022, February 2022 Accolades
- 11 October 2021, Delaware Supreme Court Adopts a New "Universal" Test for Establishing Demand Futility Granting Directors Greater Protection Against Derivative Suits
- 19 July 2021, Supreme Court Remands Securities Class Action Against Goldman Sachs Back to Second Circuit
- 20 March 2020, COVID-19: UPDATED Emergency and Healthcare Calls and Texts
- 10 March 2020, COVID-19: NY State of Emergency Imposes Ban on Telemarketing Calls
- 30 July 2019, Circuit Court Affirms Holding Reducing TCPA Award by 98%
- 25 June 2019, Supreme Court Declines to Define Scope of Deference Courts Should Apply to FCC TCPA Orders
- 14 December 2018, FCC Votes to Create Reassigned Numbers Database
- 5 October 2018, In Wake of ACA Int'l, Ninth Circuit Adopts Expansive Definition of ATDS
- 24 July 2018, One Year after the "DAO Report" Three U.S. Courts Begin to Provide Crypto-Clarity

- 23 July 2018, Third Circuit Affirms Judgment for Investment Adviser in Section 36(b) Action
- 23 May 2018, FCC Seeks Comment on TCPA Following D.C. Circuit's Decision in ACA International
- 20 March 2018, United States District Court for the Northern District of Illinois Grants Summary Judgment in "Manager of Managers" Excessive Fee Case
- 16 March 2018, The D.C. Circuit Calls Out the FCC – Striking Key Elements of Its 2015 TCPA Order, While Upholding Certain Provisions
- 8 January 2018, Second Circuit Affirms Dismissal of Action Against Healthcare Provider but Cautions Careful Review of TCPA Exemptions
- 21 September 2017, District Court Decertifies TCPA Class Following Invalidation of Solicited Fax Rule
- 6 August 2017, Bitcoin thieves abound, but Law Enforcement is getting smart and stepping up
- 12 June 2017, Going Dark: The Use of Anonymizing Technologies in Dark Web Crimes
- 9 June 2017, Dish Network Ordered to Pay \$280 Million Fine, Damages in Federal TCPA Lawsuit
- 5 June 2017, Silk Road website founder loses appeal of conviction and life sentence
- 4 April 2017, D.C. Circuit Holds that FCC Lacks Authority to Require Opt-Out Notices for Solicited Faxes, Vacates FCC Order
- 23 March 2017, Jury Finds Two Guilty in Bitcoin Exchange Bribery Scheme; Related Criminal Prosecutions Looming
- 1 March 2017, FCC Solicits Comments on Petitions Seeking Clarification of "Prior Express Consent"
- 17 February 2017, Second Circuit Affirms Denial of Class Certification in TCPA Case on Ascertainability Grounds Due to Lack of Recipient List
- 6 February 2017, Ninth Circuit Finds Article III Standing, Dismisses TCPA Action for Failure to Effectively Revoke Consent
- 23 December 2016, Sixth Circuit Reverses Denial of Class Certification and Dismissal Under Rule 68 in Purported Unsolicited Fax Case
- 27 October 2016, Second Circuit Finds Offer of Judgment on Individual Claims Negates Standing for Class
- 15 August 2016, District Court Finds Social Media Company Is Not "Sender" of Calls Under TCPA
- 11 August 2016, FCC Clarifies TCPA Applicability for Certain Calls from Utilities, Schools
- 12 July 2016, FCC Finds Federal Government and its Contractors Immune From TCPA Liability
- 6 July 2016, Twitter Loses Summary Judgment Bid in TCPA Claim
- 16 May 2016, Sixth Circuit Rejects Application of Agency Principles to Fax Broadcast Liability Under TCPA

- 11 May 2016, Eighth Circuit Articulates New Ascertainability Standard in TCPA Class Actions
- 27 April 2016, Circuit and District Courts Grapple with Questions Raised in the Wake of *Campbell-Ewald v. Gomez*
- 26 April 2016, Seventh Circuit Holds That TCPA Fax Regulations Do Not Impose Strict Liability for Actions of Contractors
- 5 November 2015, Third Circuit Applies FCC's New TCPA "Autodialer" Interpretation
- 28 April 2015, Last Week to File for Retroactive Waiver of FCC Rule Requiring Opt-Out Notice on All Fax Advertisements

OTHER PUBLICATIONS

- "Supreme Court Remands Securities Class Action Against Goldman Sachs Back to Second Circuit," *The National Law Review*, 2 August 2021
- "Crowdfunding Bill May Become State Law," *Chicago Daily Law Bulletin*, Volume 161, No. 109, 4 June 2015

NEWS & EVENTS

- 5 March 2021, K&L Gates Names 31 New Partners Across Global Platform

MEDIA MENTIONS

- "GOLDMAN SACHS: K&L Gates Attorneys Discuss Class Action Ruling," *Class Action Reporter*, 31 August 2021
- "GOLDMAN SACHS: K&L Gates Attorneys Discuss Class Action Ruling," *Class Action Prospector*, 28 July 2021
- "CDLB People," *Chicago Daily Law Bulletin*, 11 March 2021

AREAS OF FOCUS

- Securities and Transactional Litigation
- Appellate Litigation
- Class Action Litigation Defense
- Commercial Disputes
- International Arbitration

INDUSTRIES

- Financial Services
- Fintech

REPRESENTATIVE EXPERIENCE

Class Action Defense

- Defense counsel for a global energy trading company and its US subsidiary in a series of federal class actions and a civil action by the California Attorney General involving allegations of market manipulation and violations of the antitrust and unfair competition laws stemming from trading activity in the California gasoline spot market.
- Defended a credit card issuer against Telephone Consumer Protection Act claims (TCPA).
- Defended a pharmaceutical company against a class action lawsuit alleging that facsimiles sent by the marketing contractor violated the Telephone Consumer Protection Act (TCPA).
- Represented one of the largest vending machine operators in the United States in a complex consolidated consumer class action regarding pricing practices and alleged deceptive labeling practices with claims brought under state consumer protection statutes of over 30 states, claims for unjust enrichment, consumer fraud, conversation, and breach of contract.
- Defended a solar panel manufacturer against class action involving contract, warranty, Magnuson-Moss Warranty Act, California Consumer Legal Remedies Act, and California Unfair Competition Law claims.
- Represented a medical equipment company in class actions brought in multiple jurisdictions alleging violation of the Florida Telephone Solicitation Act (FTSA) and Telephone Consumer Protection Act (TCPA).

Complex Litigation and Arbitration

- Obtained dismissal of lawsuit against a film studio and film producers alleging that depiction of characters as members of particular ethnic group defamed all members of that group.
- Represented a financial institution in actions brought in multiple jurisdictions by municipalities alleging violations of the Fair Housing Act.
- Defended a global beverage manufacturer in AAA arbitration involving dealership terminations.
- Represented a consumer product servicer in a breach of contract dispute stemming from sale of business and ancillary non-competition agreements.
- Obtained full arbitration award in favor of a subcontractor in dispute over construction of troop housing on US air base before International Chamber of Commerce (ICC).
- Represented a financial institution in adversary proceedings seeking to discharge private educational loans, including multiple victories obtained at the pleading stage.

Securities Litigation and Regulation

- Represented a high-profile individual in a class action applying then-untested theories regarding whether an individual who discussed cryptocurrencies on YouTube or other social media platforms could be considered a "seller" of securities under the federal securities laws.
- Obtained dismissal of a derivative lawsuit filed against a public automobile importer and served as the primary drafter of a writ of mandamus filed with the Nevada Supreme Court, calling upon the Court to establish pleading requirements applicable to derivative actions in the State of Nevada.
- Defended a public marketing technology company in series of class action and derivative lawsuits alleging securities fraud and failure of corporate governance, obtaining favorable settlement and successfully shepherding settlement through the process of obtaining court approval.
- Obtained summary judgment for an investment advisor in lawsuit alleging excessive fees in violation of Section 36(b) of the Investment Company Act of 1940.

Pro Bono Experience

- Represented *pro bono* individuals seeking asylum or similar relief in the United States, including obtaining relief for two clients following contested evidentiary hearings before the US Immigration Court.
- Investigated an individual's claims that he was tortured by the Chicago Police Department into confessing to a murder and presented findings and recommendation to the Illinois Torture Relief Commission, who adopted the recommendation.