



Avril G. Love

Counsel

Los Angeles
+1.310.552.5064

Avril.Love@klgates.com

OVERVIEW

Avril Love is counsel in the firm's Los Angeles office. She is a member of the Commercial Disputes practice group. After spending years defending medical device and pharmaceutical manufacturers, particularly in the context of recalls, Avril has considerable knowledge of FDA's regulatory regime and enforcement activities. She has defended companies in numerous industries facing consumer and e-commerce claims based on products liability, advertising, marketing practices, website accessibility, consumer contracts, data security, and privacy issues. She also has defended clients facing regulatory enforcement over quality and import/export issues, as well as business-to-business disputes involving antitrust, fraud, trade secrets, and other torts.

Avril has developed significant expertise serving personal care and consumer product companies facing these very issues. She acts as both a coach and a line of defense, observing clients' field position to anticipate and identify risks, training internal teams to independently navigate legal and reputational risks in their daily decision-making, and proactively developing regulatory compliance and risk mitigation strategies that position clients to defend lawsuits long before they reach the courtroom.

PROFESSIONAL BACKGROUND

Prior to joining the firm, Avril served as counsel at a Los Angeles law firm where she focused her practice on litigation with smart risk mitigation strategies. Avril has 15 years of litigation experience and significant expertise serving personal care and consumer product companies. She has defended companies in numerous industries facing claims based on products liability, advertising, marketing practices, website accessibility, consumer contracts, data security, and privacy issues. Avril also has experience defending multi-district litigation and state coordinated proceedings.

When the hustle and bustle of her work schedule permits, Avril plays soccer with her husband and friends (defense, of course!), attends her children's various sports events, hikes with her dogs, and feeds scores of friends and family at a very large dining table.

ACHIEVEMENTS

- Southern California Super Lawyers Rising Stars list (2013)

- The Top Women Attorneys in Southern California (2013)

SPEAKING ENGAGEMENTS

- “MoCRA, Consumer Data, and the Sustainability Issues Confronting the Cosmetics Industry,” Beauty Industry West, 12 March 2024
- “The Microbiome Edge: Decoding Microbiome Data for Innovation,” *HelloBiome* (March 2023)
- “Compliance in the Age of Privacy: What Your Marketing, HR, and IT Departments Must Know,” Tucker Ellis In-House Counsel Summit (November 2022)
- “The Modern Day Jungle: Increasing Consumer Sophistication Requires a Sophisticated Compliance Approach,” Tucker Ellis In-House Counsel Summit Webinar (November 2021)
- “Living at Work: Practical Advice on Data Privacy for Your Business and Your Family,” Panelist, 2020 In-House Counsel Summit Webinar, Tucker Ellis LLP (December 2020)
- “Bracing for the New Normal in Data Privacy: GDPR, CCPA, and Other Initiatives Impacting the Business World in 2020 and Beyond,” 2019 In-House Counsel Summit, Tucker Ellis LLP, Cleveland, Ohio (November 2019)
- “Piecing Together Data Policies That Make Sense in an Ever-Changing World,” Practical Tips and Tools to Deal with Cybersecurity Challenges, Tucker Ellis LLP, Cleveland, Ohio (July 2016)
- “Antitrust: The Art of War,” 2015 In-House Counsel Summit, Tucker Ellis LLP, Cleveland, Ohio (October 2015)

EDUCATION

- J.D., Georgetown University Law Center, 2003
- B.A., University of California, Berkeley, 2000

ADMISSIONS

- Bar of California
- United States Court of Appeals for the Ninth Circuit
- United States District Court for the Central District of California
- United States District Court for the Eastern District of California
- United States District Court for the Northern District of California
- United States District Court for the Southern District of California

THOUGHT LEADERSHIP POWERED BY HUB

- 1 April 2024, Sephora Prevails in Consumer Challenge of "Clean at Sephora" Claims
- 11 October 2023, California Proposes Cybersecurity Requirements for Businesses
- 29 August 2023, Litigation Minute: Pixel Tools and the Video Privacy Protection Act
- 1 August 2023, The Essentials - California Employment Law Update

OTHER PUBLICATIONS

- "The Reviews Are In on the Consumer Review Fairness Act," Tucker Ellis Client Alert (May 2022)
- "Courts Split on the Viability of Claims Challenging 'Hypoallergenic' Labeling," Client Alert (July 2018)
- "Navigating Internet Marketing in the Current Version of the Digital Age," In-House Defense Quarterly (Defense Research Institute), co-author (Fall 2017)
- "Off-Label Use of the Cartwright Act: Will Cipro Require State Courts to Assess Federal Patent Validity in Pay-for-Delay Cases?," Competition – The Journal of the Antitrust, UCL and Privacy Section of the State Bar of California, Vol. 24, No. 2 (Fall 2015)
- "Build Relationships to Advance Women in the Law Better," DRI's The Voice (August 2014) "Out of Your Jurisdiction: Why FDA Recalls and Courts Do Not Mix," IADC Drug, Device and Biotechnology Newsletter (August 2011)

NEWS & EVENTS

- 12 September 2023, Strong Data, Strong Claims: The Role of Study Design in Strategic Marketing and Legal Compliance, Hosted by Microbiome Movement
- 14 March 2023, K&L Gates Strengthens Consumer Products Industry Capabilities with Los Angeles Lawyer Additions

MEDIA MENTIONS

- Quoted, "Video Privacy Class Action Wave Slowed by High Dismissal Rate", *Class Action Reporter*, 8 January, 2024
- "DC Circ. Piles Onto Standing Split With Data Breach Ruling," *Law360*, June 2019

AREAS OF FOCUS

- Commercial Disputes

INDUSTRIES

- Advertising and Marketing
- Consumer Beauty and Aesthetics
- Consumer Products
- Food and Beverage

REPRESENTATIVE EXPERIENCE

- Defended product liability and consumer advertising claims in multi-plaintiff case alongside consumer class action involving skin care products.
- Defended manufacturer of personal care and other consumer products in consumer class action claim related to formulation, claims, advertising, and product labeling.
- Defended manufacturer in false advertising and unfair competition class action regarding product warranty.
- Defended manufacturer in consumer class action alleging slack fill of food and skin care products.
- Counseled retailer on marketing and ecommerce issues to implement new marketing program and reduce exposure to challenges by FDA, FTC, state regulators, and consumer class actions on issues from claim substantiation to data privacy to website accessibility under the ADA.
- Represented manufacturer in mandatory reporting to CPSC on quality issue to avoid regulatory enforcement following recall of product.
- Defended manufacturer in customs investigation and advised regarding origin, classification, NAFTA, and duty exemption issues.
- Defended California coordinated proceeding for over 2,000 product liability cases involving a recalled metal-on-metal hip implant, including individual case work-up and trial.
- Defended multidistrict litigation and several state coordinated proceedings for wrongful death or other injuries involving a generic medication recalled for a possible manufacturing defect.
- Obtained dismissal in unfair competition and false advertising case involving contract and tort claims alleged against Internet domain name registrar.