



Loly Garcia Tor

Partner

Newark
+1.973.848.4026

loly.tor@klgates.com

OVERVIEW

Loly Tor's practice focuses on complex civil litigation, arbitration, and appellate practice throughout the United States, primarily in the areas of product liability, consumer protection, and construction litigation. In these practices, she represents clients across several industries, including manufacturers and retailers of consumer and building products, pharmaceutical drug companies, real estate developers, and general contractors. Loly also has significant experience defending class actions related to allegations of consumer fraud, allegedly defective consumer and building products, allegedly deceptive product labels, and personal injury.

Because of her experience in federal court, Loly is often sought out as local counsel in intellectual property matters, including Hatch-Waxman and patent infringement litigation.

Loly was recognized as one of New Jersey's "New Leaders of the Bar" by the *New Jersey Law Journal* for 2014. She is also a Leadership in Energy and Environmental Design Accredited Professional (LEED®-AP). Additionally, Loly was recognized as a New Jersey Super Lawyers "Rising Star" in 2009-2011 and 2014-2019.

Loly is committed to diversity and inclusion and serves on the K&L Gates firmwide diversity committee. She also actively participates in the K&L Gates pro-bono program and in particular with Kids in Need of Defense, representing unaccompanied immigrant and refugee children in immigration proceedings.

PROFESSIONAL BACKGROUND

Prior to joining K&L Gates, Loly was a law clerk for the Honorable Erminie L. Conley, P.J.A.D., of the New Jersey Superior Court, Appellate Division. She was also an associate in the litigation practice group of a major New Jersey law firm. During law school, Loly interned with the Honorable Garrett E. Brown, Jr., of the United States District Court for the District of New Jersey, and with the Office of the Massachusetts Attorney General, Environmental Protection Division.

PROFESSIONAL / CIVIC ACTIVITIES

- Association of the Federal Bar of New Jersey
- New Jersey State Bar Association

- New Jersey Women Lawyers Association, Judicial Outreach Committee
- John C. Liff and American Inn of Court
- Member, District VA Ethics Committee

SPEAKING ENGAGEMENTS

- “5 Effective Ways to Manage the Crisis that Derives from a Product Gone Wrong,” *Corporate Counsel for Women of Color and K&L Gates LLP 14th Annual Career Strategies Conference*, October 2018
- “Consumer Litigation: The Year in Review and the Years to Come - What to Expect in Consumer Litigation Under the Trump Presidency,” K&L Gates HUB Webinar, January 2017.
- “The Evolving Nature of Class Actions in New Jersey,” *New Jersey State Bar Association 2016 Annual Meeting and Convention*, May 19, 2016.
- “New Jersey Law Update: Are Your Arbitration Provisions Enforceable?,” *Association of Corporate Counsel New Jersey CLE program*, April 21, 2015.
- “Timing Issues: Statute of Limitations,” *Construction Law 2014: Handling the Construction Defect Case, NJICLE*, June 4, 2014.
- “Warranties and Construction Contracts,” *Construction Law 2012: Tackling Contract Provisions and Insurance Issues, NJICLE*, June 2012.
- “Mold Litigation,” *NJICLE Hot Topics in Real Estate Law*, September 2011.
- “How to Market Green Buildings and Materials: Complying with Applicable Green Standards and Laws,” 2010 International Builders' Show, January 2010.
- “Green Building Products: Can They Perform as Promised,” 2009 International Builders' Show, January 2009.

EDUCATION

- J.D., Boston University School of Law, 2004 (*magna cum laude*; *Senior Articles Editor, Boston University Law Review*)
- B.A., Seton Hall University, 2001 (*summa cum laude*)

ADMISSIONS

- Bar of New Jersey
- Bar of New York
- Bar of Pennsylvania
- Supreme Court of the United States

- United States Court of Appeals for the Fourth Circuit
- United States Court of Appeals for the Third Circuit
- United States District Court for the District of New Jersey
- United States District Court for the Eastern District of New York
- United States District Court for the Northern District of New York
- United States District Court for the Southern District of New York
- United States District Court for the Western District of Pennsylvania

THOUGHT LEADERSHIP POWERED BY HUB

- 15 May 2020, COVID-19: Update – What You Need to Know As New Jersey and New York Construction Projects Begin to Reopen (*Alerts/Updates*)
- 10 April 2020, COVID-19: Update – New Jersey and New York Executive Orders' Impact on Construction Projects (*Alerts/Updates*)
- 30 March 2020, COVID-19: Update – New Jersey and New York Executive Orders' Impact on Construction Projects (*Alerts/Updates*)
- 19 April 2018, The New Jersey Supreme Court Deals a Significant Blow to TCCWNA Claims (*Alerts/Updates*)
- 14 November 2017, New Jersey Supreme Court Rejects Class Certification of TCCWNA Claims in Drink Price Actions (*Alerts/Updates*)
- 28 June 2017, New Jersey Supreme Court to Consider Key TCCWNA Issues (*Alerts/Updates*)
- 25 October 2016, No Harm, No Foul: Lack of Concrete Injury Dooms Two Separate Actions Based on the Truth in Consumer Contract Warranty and Notice Act (*Alerts/Updates*)
- 4 October 2016, Spokeo Impact Remains to be Seen as Lawsuits Over N.J. Law Advance (*Alerts/Updates*)
- 26 September 2016, The New Jersey Appellate Division Confirms that TCCWNA Applies Only to “Consumers” (*Alerts/Updates*)
- 10 May 2016, The New Jersey Truth-In-Consumer Contract Warranty and Notice Act: What You Need to Know About “TCCWNA” and the Rise in Consumer Class Actions (*Alerts/Updates*)
- 18 April 2016, Untangling the *Webb* of Arbitrability: The Fourth Circuit Holds That Courts Determine the Availability of Class-Wide Arbitration (*Alerts/Updates*)
- 8 February 2016, “Who Decides” Whether Class Arbitration Is Available?: The Third Circuit Provides New Guidance in *Chesapeake Appalachia, LLC v. Scout Petroleum, LLC* (*Alerts/Updates*)
- 23 July 2015, *State v. Perini*: New Jersey Supreme Court Has Its Say on Statute of Repose (*Articles*)

OTHER PUBLICATIONS

- “NJ Consumer Contract Act Questions May Soon Get Answers,” *Law360*, 22 November 2019
- “New Jersey Eyes Regulation of Biometric Data,” *New Jersey Law Journal*, 27 June 2019
- “Why NJ Supreme Court OK'd Allotting Fault To Phantom Foes,” *Law360*, 3 May 2018
- “State Class Actions: Practice and Procedure, Second Edition,” *Aspen Publishers*, 2013, 2014, and 2015 Updates for New Jersey.
- “The Many Perils of Going Green,” *Construction Law, Connecticut Law Tribune*, July 2008.
- “Climate Change and the D&O Pollution Exclusion,” 41 *Tort Trial & Ins. L.J.* 1033, Summer 2006.
- “Mandating Exclusion for Violations of the Knock and Announce Rule,” 83 *B.U. L. Rev.* 853, January 2003.

NEWS & EVENTS

- 2 November 2020, Numerous K&L Gates Diverse and Women Lawyers Recognized for Leadership and Legal Accomplishments (*Press Release, Rankings & Recognitions*)
- 19 February 2020, K&L Gates Newark Partner Chosen as 2020 Leadership Council on Legal Diversity Fellow (*Press Release*)
- 17 February 2016, K&L Gates Names 50 New Partners (*Press Release*)

AREAS OF FOCUS

- Product Liability
- Appellate Litigation
- Class Action Litigation Defense
- Construction and Infrastructure
- Construction and Infrastructure Dispute Resolution
- Insurance Recovery and Counseling

REPRESENTATIVE EXPERIENCE

- Representation of HVAC manufacturer in litigation by homeowners based on alleged personal injuries caused by exposure to mold.
- Representation of retailer in state-wide putative class action based on allegations of consumer fraud and breach of warranty relating to representations on product labels.

- Representation of a retailer in a state-wide putative class action based on allegations of consumer fraud, breach of warranty, and unjust enrichment relating to the sale of motor oil.
- Representation of a dishwasher manufacturer in nationwide and state-based putative class actions based on allegations of breach of warranty, consumer fraud, and other claims relating to allegedly defective dishwashers.
- Representation of boiler manufacturer in litigation based on property damage caused by fire alleged to have been caused by boiler
- Representation of university in dispute arising from breach of license agreement relating to the licensing of intellectual property.
- Representation of retailers in putative class actions based on alleged violations of the New Jersey Truth-in-Consumer Contract, Warranty and Notice Act (TCCWNA).
- Representation of bathroom fan manufacturer in litigation based on property damage caused by fires alleged to have been caused by bathroom fans.
- Representation of HVAC manufacturer in litigation by building owners based on alleged property damage caused by mold.
- Creation of residential warranty program for national home builder for use in new construction throughout the United States.
- Representation of a window manufacturer in eighteen class actions consolidated in a federal multi-district litigation based on allegations of breach of warranty, consumer fraud, and other claims relating to allegedly defective windows.
- Representation of public utility in litigation with manufacturer and supplier of meters regarding breach of contract and breach of warranty in manufacturing and supplying defective meters.