



## Eileen M. Ahern

### **PARTNER**

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Recognized in February 2015 for securing one of the "Top 20 Defense Verdicts of 2014" by the *Daily Journal* (read more here), Eileen's practice focuses on complex business litigation and intellectual property. She specializes in defending consumer class and representative actions involving California's Unfair Competition and False Advertising Laws (Business & Professions Code §§ 17200, 17500 *et seq.*), the Consumers Legal Remedies Act (California Civil Code § 1750 *et seq.*), and the Song-Beverly Credit Card Act (California Civil Code § 1747 *et seq.*), as well as products liability defense.

Eileen has significant experience litigating a wide range of complex commercial matters at the trial and appellate level and has represented clients in a cross-section of industries, including consumer products, technology, telecommunications, financial services, utilities, and automotive.

Before joining Willenken in 2008, Eileen practiced at Gibson, Dunn & Crutcher LLP for six years. She received her J.D. from Columbia Law School in 2001.

Eileen also dedicates herself to pro bono work, and has worked on matters with both Public Counsel and the Legal Aid Foundation of Los Angeles.

### **REPRESENTATIVE CLIENTS**

- Spectrum Brands
- Harbor Freight Tools, Inc.
- KeyBank, N.A.

### **PRACTICE AREAS**

Appellate Practice  
Class Action Litigation  
Financial Services Litigation  
Intellectual Property Litigation  
Product Liability

### **EDUCATION**

Columbia Law School, J.D., 2001  
College of the Holy Cross, B.A., 1998

### **BAR ADMISSIONS**

#### **Federal:**

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 Northern District of California

United States District Court for the Southern District of California

United States District Court for the Eastern District of California

#### **State:**

California (all state courts)

### **HONORS**

2014, selected as Fellow by the Leadership Council on Legal Diversity.

As published in *Los Angeles*

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## REPRESENTATIVE MATTERS

- *Parties Confidential*. Eileen was a member of the firm's two-person team that prevailed in an arbitration defending one of the world's leading hotel companies against a claim brought by the hotel owner, in which tens of millions of dollars potentially were at stake. The arbitrator ruled in favor of the firm's client on all issues and, on her own initiative, also awarded the firm's client its attorneys' fees and costs, which were discretionary under the parties' agreement.
- *Gossoo v. Microsoft*. Eileen and partner William Delgado defeated class certification in a putative consumer class action alleging violation of the Song-Beverly Credit Card Act based upon the alleged illegal collection of personally identifiable information ("PII") from consumers in brick-and-mortar stores – even in the wake of scores of retailers settling these claims on a class-wide basis across California.
- *Luko v. Ticketmaster*. After a trip to the California Supreme Court sparring over a quickly-developing area of law in a putative consumer class action alleging violation of the Song-Beverly Credit Card Act, Eileen and firm partner William Delgado secured judgment on the pleadings in Ticketmaster's favor without leave to amend, which was named one of the "Top 20 Defense Verdicts in the state of California in 2014" by the *Daily Journal*.
- *Mirando v. Ticketmaster*. Eileen and partner William Delgado prevailed against the odds on a motion to compel individual arbitration in a consumer putative class action against Ticketmaster. Plaintiff argued Ticketmaster's online Terms of Use, which contain an arbitration provision, did not bind her because the TOU in effect at the time of her transaction contained neither an arbitration provision nor a class action waiver, and Ticketmaster should not be permitted to rely upon terms allegedly unilaterally added to the TOU after her transaction. And, Plaintiff argued because the arbitration provision named only Ticketmaster's parent company, Live Nation, which was not defined to include Ticketmaster, Ticketmaster should not be permitted to enforce it, in any event. After court-ordered supplemental briefing and two hard-fought hearings argued by Eileen, Willenken's arguments carried the day, and the Court granted Ticketmaster's motion and dismissed the putative class action.
- *Reed v. NBTY, et al.* Eileen and partner Will Delgado secured summary judgment in favor of dietary supplement manufacturer defendants in a class action alleging violations of Cal. Bus. & Prof. Code 17200, Cal. Bus. & Prof. Code 17500, and Cal. Civ. Code 1750 in

*Magazine*, named a "Super Lawyer" in 2017, and a "Southern California Rising Star" every year, 2009-2016, by *Super Lawyers*

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connection with work-out supplements.

- *Chait v. Harbor Freight Tools*. Eileen defeated a class certification motion in a putative class action in which the plaintiff alleged violations of the Song-Beverly Credit Card Act. The court was persuaded by Harbor Freight's interpretation of the Act, and denied certification.
- *Haley v. The Procter & Gamble Company*. Eileen and firm partner Paul Loh defended Procter & Gamble in a putative class action, in which the plaintiff alleged product liability, warranty, and violation of the Consumer Legal Remedies Act ("CLRA") claims. After eliciting significant admissions from plaintiff and key witnesses at depositions, plaintiff agreed to an individual settlement on terms very favorable to Procter & Gamble.
- *Syntellect, Inc. v. Southern California Gas Co.* After prevailing on a motion for summary adjudication of liability, which the Ninth Circuit affirmed, Eileen and firm partner Jason Wilson, on behalf of the country's largest gas distribution utility, secured a \$9.4 million judgment in a patent infringement indemnity action.
- *Webceleb v. Procter & Gamble*. Eileen and firm partner Paul Loh successfully defended Procter & Gamble in a trademark infringement action stemming from its popular People's Choice Award Show. P&G prevailed on summary judgment, and the Ninth Circuit affirmed.
- *Enniss v. Warlock Powerboats, Inc.* Eileen, on behalf of KeyBank, N.A., obtained summary judgment in the bank's favor on claims for alleged violation of the Song-Beverly Consumer Warranty Act.
- *The Education Resources Institute v. Curtis*. Eileen and firm Associate Rebecca Green defended KeyBank, N. A. against claims of fraud, breach of contract, and negligence. They prevailed on a demurrer, resulting in all of the claims being dismissed with prejudice.