

## Jaikaran Singh

### Partner

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Jai Singh is a partner and litigation attorney with Foley & Lardner LLP. He is a member of the firm's Commercial Litigation and Appellate Practices. His practice focuses on representing companies throughout the United States in high-stakes business and commercial litigation and the defense of consumer class actions, primarily in the consumer products, retail and manufacturing, food and beverage, hospitality and leisure, multifamily housing and health care industries. Jai also has significant experience counseling manufacturers and retailers of consumer products on best practices for product labeling, warranties, advertising and marketing, product safety and regulatory compliance. Jai serves as the Vice-Chair of the firm's national Consumer Law, Finance & Class Action Practice. He is also a Co-Chair of the firm's Consumer Products Team.

During his 20-plus years of practice, Jai has represented clients, including Fortune 500 companies, in more than 160 state and federal class actions. He has defended numerous consumer class actions brought under state consumer protection laws, including California's Unfair Competition Law (UCL), False Advertising Law (FAL), Consumers Legal Remedies Act (CLRA), New York's General Business Law (GBL) Sections 349 and 350, Illinois's Consumer Fraud and Deceptive Business Practices Act (ICFA), Florida's Deceptive and Unfair Trade Practices Act (FDUTPA), Texas Deceptive Trade Practices Act (DTPA), Massachusetts's Consumer Protection Act (GLC 93A), New Jersey's Consumer Fraud Act (CFA) and related breach of express and implied warranty claims, including allegations of false advertising, product mislabeling, false pricing, and product defects. Jai has also litigated contract based class claims, breach of fiduciary class actions and class cases alleging violations of state privacy call recording statutes, the California Invasion of Privacy Act (CIPA), the California Automatic Renewal Law (ARL), the Magnuson-Moss Warranty Act (MMWA), California's Song-Beverly Consumer Warranty Act, the Telephone Consumer Protection Act (TCPA), the Employee Retirement Income Security Act (ERISA), the Fair Debt Collection Practices Act (FDCPA), the Electronic Funds Transfer Act (EFTA), the Fair Credit Reporting Act (FCRA), the Real Estate Settlement Practices Act (RESPA), the Racketeer Influenced and Corrupt Organizations Act (RICO), the Song-Beverly Credit Card Act and the

California Labor Code, among other state and federal statutes.

Jai has substantial experience with handling government and regulator investigations and public enforcement actions involving consumer products, as well as competitor cases, multi-district litigation, coordinated actions, and mass arbitrations. In the area of regulatory compliance, Jai has worked with various agencies such as the Federal Trade Commission (FTC), the National Advertising Division (NAD) of the BBB, and the U.S. Food and Drug Administration (FDA). He has succeeded in obtaining early dismissal of cases, defeating class certification, seeking summary judgement, winning at trial and in binding arbitration, avoiding or successfully resolving investigations and prosecutions, as well as minimizing the negative impact of legal proceedings on a client's business operations.

Jai is a frequent speaker and author on issues relating to consumer products, advertising law, case management, discovery, class action litigation and strategy, and state statutory consumer protection laws.

## **Representative Experience**

### **Representative consumer products class action experience**

- Represented global retailer in statewide false advertising and breach of warranty consumer class action challenging OTC drug product labeling in USDC for Central District of CA.
- Represented national electronics products manufacturer and retailer in various false advertising and breach of warranty consumer class actions regarding marketing and labeling of retail products.
- Represented national automotive service and products retailer in various false advertising and breach of warranty consumer class actions regarding marketing and labeling of different private label retail products.
- Represented national fitness equipment manufacturer in false advertising and breach of warranty consumer class action in USDC for Central District of CA.
- Represented national drugstore chain in various false advertising and breach of warranty consumer class actions regarding marketing and labeling of different private label products.
- Represented global cheese and dairy company in statewide class action brought under UCL, FAL, CLRA and breach of warranties for alleged "all natural" product mislabeling in Los Angeles Superior Court.
- Represented national maternity wear manufacturer and retailer in false advertising and false pricing class action brought under the UCL, FAL and CLRA in USDC for Southern District of CA.
- Represented national cleaning and home care products company in various false advertising and breach of warranty consumer class actions.
- Represented global guitar manufacturer in false advertising and breach of warranty consumer class action challenging product labeling as "Made in USA" in USDC for Southern District of CA.
- Represented national hardware chain in false advertising consumer class action brought under UCL, FAL and CLRA in USDC for Central District of CA challenging advertised in-store and online discounts

and promotions.

- Represented national beverage retailer in false advertising and breach of warranty consumer class action in USDC for Central District of CA challenging product label.
- Represented global bottled water producer in various false advertising and breach of warranty consumer class actions regarding product labeling.
- Represented online pet supplements manufacturer in litigation and arbitrations regarding claims for false advertising, breach of warranty and products liability associated with pet nutritional products and supplements.
- Represented online skin and hair care manufacturer in litigation and arbitrations asserting claims for false advertising, breach of warranty and products liability associated with different skin and hair care products.
- Represented national nutritional supplements manufacturer in false advertising and breach of warranty consumer class action in USDC for Central District of CA challenging labeling of various supplements.
- Represented multinational tea product manufacturer in false advertising and breach of warranty consumer class action in USDC for Southern District of CA challenging labeling of packaged tea products.
- Represented global producer of fruit products in false advertising and breach of warranty class action in USDC for Northern District of CA.
- Represented national wireless telecommunications company in false advertising and deceptive marketing consumer class action in USDC for Eastern District of CA regarding pricing of cellular phones.
- Represented national winery in public enforcement action and series of related cases brought by State of California and private parties asserting consumer protection statutory claims challenging bottle labeling.

### **Other Representative Class Action Experience**

- Represented global car rental company in TCPA consumer class action venued in USDC for Eastern District of CA.
- Represented national finance lending company and County of Los Angeles in statewide putative class action in USDC for Central District of CA based on allegations of fraud, unfair business practices and constitutional violations arising from the administration of a program for homeowner financing of energy efficient upgrades and home improvements.
- Represented national utility billing company in statewide consumer class action challenging disclosures and methodologies for assessing utility charges at apartment communities throughout California venued in USDC for Eastern District of CA.
- Represented national golf club owner and operator in consumer class action challenging membership dues, fees and deposits in USDC for Northern District of CA.
- Represented national utility billing company in statewide consumer class action challenging water and gas billing practices in USDC for District of MA. Obtained denial of class certification and summary judgment. Defending defense judgment in the First Circuit Court of Appeals.

- Represented global vacation and timeshare company in nationwide TCPA consumer class action venued in the USDC for Central District of CA.
- Represented national utility billing service provider in nationwide consumer class action venued in USDC for Central District of CA challenging industry wide allocation billing methodology.
- Represented global vacation and timeshare companies in statewide privacy recording class actions in USDC for Southern District of CA.
- Represented National Football League franchise in TCPA consumer class action venued in Los Angeles Superior Court.
- Represented national financial services company in consumer class action challenging disclosure of financing fees under CLRA and Business & Professions Code Sections 17200 and 17500 in USDC for Southern District of CA.
- Represented American healthcare company and national hospital based physicians group in putative class action venued in USDC for Central District of CA involving allegations of miscalculation and payment of health benefits in violation of various statutes, including ERISA.
- Represented national utility billing company in statewide consumer class action challenging utility billing fees and services in USDC for District of NJ.
- Represented American multinational aerospace and defense technology company in proposed nationwide putative class action venued in USDC for Central District of CA asserting ERISA violations and other related claims, including breach of fiduciary duty, based on allegations of miscalculated retirement benefits.
- Represented national REIT in statewide consumer class action in state court in Santa Clara Superior Court brought by tenants for alleged unfair business practices under Business & Professions Code 17200 arising from handling of security deposit refunds at apartment communities throughout California. Affirmed on appeal by California Court of Appeals.
- Represented national owners and operators of apartment communities in various statewide consumer class action challenging water billing practices in USDC for Western District of TX.

## Awards and Recognition

- Selected by *San Diego Business Journal* as one of the Top 100 Leaders of Influence in Law (2024)
- Selected by *San Diego Business Journal* as one of the Nonprofit Board Leaders of Influence (2024)
- Peer review rated as AV Preeminent® since 2009, the highest performance rating for ethical standards and legal ability in the Martindale-Hubbell® Peer Review Ratings™ system
- Recipient of the Wiley W. Manuel Pro Bono Services Award (2005, 2008, 2012, 2015, 2016, 2019 and 2020)

## Affiliations

- American Bar Association
- Association of Business Trial Lawyers
- Federal Bar Association

- Antitrust and Unfair Competition Law Section of the State Bar of California

## Community Involvement

Jai is or has been actively involved in the following community organizations:

- Board of Governors, Association of Business Trial Lawyers (San Diego chapter)
- Board Member, San Diego County Bar Foundation
- Past Board Member, Federal Bar Association (San Diego chapter)
- Past Board Member, The Conflict Resolution Center

## Presentations and Publications

- Co-author, "[Solis v. Coty, Inc.: A Look at Article III Standing in PFAS Consumer Products False Advertising Cases](#)," *Foley Consumer Class Defense Counsel*, March 23, 2023
- Co-author, "[FTC Requests Public Comment on Potential Updates to 'Green Guides' for the Use of Environmental Marketing Claims](#)," *Foley Consumer Class Defense Counsel*, January 20, 2023
- Co-author, "[Ninth Circuit Holds that Implied Preemption Bars State Law Claims Based on a Violation of the FDCA](#)," *Foley Consumer Class Defense Counsel*, November 03, 2022
- Co-author, "Ninth Circuit Panel Holds Attorneys' Fees May Be Included in the Magnuson-Moss Warranty Act's Amount in Controversy when Available to Prevailing Plaintiffs," *Foley Consumer Class Defense Counsel*, June 8, 2022
- Co-author, "Watch The Fine Print: Ninth Circuit Majority Opinion Requires Heightened Standards for Reasonably Conspicuous Notice of Browsewrap Terms to Compel Arbitration," *Foley Consumer Class Defense Counsel*, May 16, 2022
- Co-author, "[A New Era of McGill Arbitration in California—Hodges v. Comcast](#)," *Foley Consumer Class Defense Counsel*, February 3, 2022
- Co-author, "[Class Certification Analysis in a Cryptocurrency Case: Williams v. Kucoin](#)," *Foley Consumer Class Defense Counsel*, December 7, 2021
- Co-author, "[Applying the Rule of Reason, District Courts Reject Nationwide Classes in Franchise No-Poach Cases](#)," *Foley Consumer Class Defense Counsel*, November 11, 2021
- Co-author, "Of Tuna Price-Fixing Conspiracies, Econometric Regressions, and the Ninth Circuit's Latest Guidance on Class Certification," *Foley Consumer Class Defense Counsel*, April 15, 2021
- Co-author, "[Lopez v. Apple: When an Alleged Injury is Too Speculative to Confer Article III Standing](#)," *Foley Consumer Class Defense Counsel*, March 1, 2021
- Co-author, "[Risto v. Screen Actors Guild: A Look at Article III Standing of Absent Class Members in the Ninth Circuit](#)," *Foley Consumer Class Defense Counsel*, December 8, 2020
- Co-author, "COVID-19 Related Class Actions Arising from Club Closures: A Look at Three Cases," *Foley Consumer Class Defense Counsel*, August 10, 2020
- Co-author, "California's Ascertainability Requirement Following *Noel v. Thrifty Payless, Inc.*," *Foley Consumer Class Defense Counsel*, June 10, 2020

- Co-author, "Recent Decision from District of Oregon Denying Enhanced Damages Underscores Vast Liability Exposure Under the TCPA," *Foley Consumer Class Defense Counsel*, June 28, 2019
- Co-author, "En Banc Ninth Circuit Clarifies That Settlement Classes Are Not Held to Same Standard as Litigated Classes," *Foley Consumer Class Defense Counsel*, June 7, 2019
- Co-author, "Heightened Ascertainability Remains a Formidable Requirement to Achieving Class Certification in the Third Circuit: Administrative Feasibility Following City Select v. BMW Bank of North America," *Foley Consumer Class Defense Counsel*, May 2, 2018
- Co-author, "The Ninth Circuit's Decision in In Re Hyundai Underscores The Challenges of Certifying Nationwide Classes," *Foley Consumer Class Defense Counsel*, February 1, 2018
- Co-author, "Taking the Pulse of Ascertainability in the Ninth Circuit after Briseno v. ConAgra Foods, Inc.," *Foley Consumer Class Defense Counsel*, October 10, 2017
- Co-author, "Clearing Up CAFA Post-Removal Amendments at 9th Circ.," *Law360 Expert Analysis*, June 8, 2017
- Author, "California's Unfair Competition Law Prohibits More than Just 'Unfair Competition,'" *California Litigation Guide*, October 2011
- Author, "In re Tobacco II: Reflecting on the Supreme Court's Decision," *ABTL Report*, Spring, 2010
- Co-author, "In re Tobacco II: How Will the Supreme Court Rule?," *ABTL Report*, Winter, 2009

## Sectors

- [Consumer Product Safety](#)
- [Food & Beverage](#)
- [Hospitality & Leisure](#)
- [Manufacturing](#)
- [Racial Justice & Equity](#)

## Practice Areas

- [Commercial Litigation](#)
- [Consumer Law, Finance & Class Action Group](#)
- [Litigation](#)

## Education

- University of Iowa College of Law (J.D., with distinction, 1998)
  - Managing Editor, *Journal of Corporation Law*
- Trinity University (B.A., cum laude, 1994)
  - Political Science and Philosophy

## Admissions

- California
  - Trial Bar
  - U.S. District Court for the Southern District of California

- U.S. District Court for the Central District of California
- U.S. District Court for the Northern District of California
- U.S. District Court for the Eastern District of California
- United States Court of Appeals for the First Circuit
- United States Court of Appeals for the Ninth Circuit