

Kendall E. Waters

Senior Counsel

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Kendall Waters is a litigation senior counsel at Foley & Lardner, LLP who works across the manufacturing and health care sectors, including representing consumer product, food & beverage, automotive, medical device, pharmaceutical, and health care provider clients. Emerging as a respected advisor, Kendall's clients trust her to bring value to cases with her keen insight. Kendall has served as lead trial counsel on behalf of health care providers in weekslong administrative formal hearings and as second chair in a weeklong international arbitration against a major pharmaceutical company, securing a multimillion-dollar award for our client. Clients emphasize Kendall's poise and ability to prepare their employees for depositions and trials, noting her ability to work through difficult issues with witnesses while giving them the skills and confidence to succeed.

Kendall has secured favorable results for clients across all phases of litigation, including the pleading stage and summary judgment, mediation and settlement negotiations, arbitration and bench trials, and federal appeals. She focuses her practice on complex litigation in state and federal courts and represents clients in a variety of commercial, consumer, and class action disputes. Kendall served as editor of Foley's Consumer Class Defense Counsel blog for three years and is a member of the firm's national Recruiting Committee.

Kendall maintains a robust pro bono practice, including working with Inner City Law Center to help tenants with their uninhabitable living conditions. She also works with pro bono clients on asylum cases.

Prior to joining Foley, Kendall was a judicial intern for the Superior Court of the District of Columbia and a legal intern with the Federal Trade Commission in their health care division of the Bureau of Competition.

Representative Experience

Trial Experience

- Serve as lead trial counsel to hospital systems in over eight weeks' worth of bench trials relating to reimbursement disputes, including securing favorable judgment in the eight figures for client
- Represent hospitality company as trial counsel against international IT managed services provider in multi-week arbitration relating to breach of contract dispute
- Represent pharmaceutical distributor as trial counsel in a weeklong international arbitration against a major pharmaceutical company, securing a multimillion-dollar award for client
- Serve as lead trial counsel to health care providers during single-day evidentiary hearings, delivering favorable results for clients
- Represent individual in bench trial concerning alleged breach of settlement agreement, incentivizing favorable settlement for parties
- Represent software company in multi-party dispute involving breach of contract and fraud claims, obtaining favorable settlement on eve of trial
- Represent hospitality company as lead trial counsel in consumer disputes, including successfully obtaining favorable settlements in advance of trial
- Represent health care provider in breach of contract dispute against IT managed services provider, successfully leveraging litigation to resolve dispute with favorable settlement in lead-up to trial

Manufacturing Litigation

- Represent apparel companies in post-merger dispute, leveraging successful summary adjudication to favorably resolve matter
- Represent food and beverage companies in putative federal class actions involving consumer protection and fraud-based claims, including by leveraging motions practice to negotiate favorable settlements and minimize exposure
- Advise apparel source material manufacturer regarding supply chain disputes, allowing business to successfully resolve issues and continue working relationships without resort to litigation
- Represent Tier II automotive supplier in multidistrict litigation involving consumer protection and fraud-based claims
- Counsel renewable energy manufacturer in dispute against renewable energy provider, including successfully developing and executing pre-litigation strategy to obtain favorable settlement in advance of filing complaint

Health Care Litigation

- Represent medical device manufacturer in antitrust matter against state agency, including successful appeal to Ninth Circuit
- Represent telehealth companies in consumer disputes involving data privacy, contractual, and fraud-based claims, securing favorable settlements
- Counsel telehealth companies and health care providers in disputes against software companies, including successfully resolving issues without resort to litigation

- Represent international pharmaceutical manufacturer in breach of contract and antitrust dispute against global pharmaceutical and medical device company, leading to successful settlement
- Represent health insurance company in member and commercial disputes involving ERISA, breach of contract, fraud, and health care statutory claims
- Represent medical device manufacturer in antitrust class action involving consumers and market competitors

Awards & Recognition

- Recognized by *Los Angeles Times*, Inspirational Women Forum & Leadership (2024)

Language

- Spanish (professional working proficiency)

Sectors

- Consumer Product Safety
- Fashion, Apparel & Beauty
- Health Care & Life Sciences
- Manufacturing
- Racial Justice & Equity

Practice Areas

- Antitrust & Competition
- Commercial Litigation
- Consumer Law, Finance & Class Action Group
- Labor & Employment
- Litigation

Education

- The George Washington University Law School (J.D., with honors, 2016)
 - Recipient, Presidential Volunteer Service Award
 - Recipient, pro bono hours recognition from The George Washington University Law School and the George Washington Center for Civic Engagement and Public Service
 - Member, *American Intellectual Property Law Association Journal*
- University of California, Los Angeles (B.A., cum laude, 2012)
 - Member, Phi Beta Kappa honor society

Admissions

- California
- Maryland
- District of Columbia

- 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 District of Maryland
- U.S. District Court of the District of Columbia