



## Elisa H. Baca

Associate

Miami

+1 305-910-0537

**Elisa aggressively defends high-stakes false advertising and consumer products class actions and complex commercial disputes. Her experience spans all aspects of litigation, including evaluating claims and legal issues, developing and implementing litigation strategies, managing e-discovery, taking and defending depositions, drafting and arguing motions, and preparing for and participating in trials.**

Elisa routinely represents businesses in putative class action matters filed in federal court involving claims of consumer fraud, deceptive and unfair trade practices, false or misleading advertising, mislabeling, and alleged product defects. Elisa has helped clients defeat class certification and obtain summary judgments and outright dismissals prior to trial. She also assists clients in reducing the risk of future litigation by providing guidance as to current or proposed product labels or advertising materials.

Elisa endeavors to resolve legal disputes in a manner that aligns with clients' business objectives, and she has broad experience defending corporations in a range of matters involving contract disputes, fraud, and business tort claims.

# Key Matters

*Some of the experience represented below may have been handled at a previous firm.*

## FALSE ADVERTISING CLASS ACTION LITIGATION

- Defended a pet food manufacturer facing 17 related class action lawsuits around the country, alleging that certain product packaging statements were false or misleading, and that the presence of heavy metals and BPA in the food violated consumer protection statutes, among other claims. As the primary brief writer on each case, she won three motions to dismiss in full, prevailed on summary judgment in four other related cases, and obtained the denial of class certification in two additional cases. Opinions have been affirmed by the Second, Seventh, Eighth, Ninth, and Tenth Circuit Courts of Appeal.
- Defending manufacturer of Mexican-styled popsicles known as ‘paletas’ in class action lawsuit alleging product packaging deceptively advertised the origin of the product in violation of Florida’s Deceptive and Unfair Trade Practices Act (FDUTPA) and Florida’s false advertising law.
- Defended pet food manufacturer advertising the use of “wild-caught” fish and “free-run” poultry as ingredients in class action litigation alleging these descriptions were misleading and violated California consumer protection laws, among others. Elisa led oral argument before the Northern District of California and secured partial dismissal, followed by a favorable settlement.

## CONSUMER PRODUCTS CLASS ACTION LITIGATION

- Defending luxury German automobile manufacturer and U.S. distributor and warrantor in several putative class action lawsuits alleging defects in component parts of the vehicles are in breach of express and implied warranties, and constitute fraud, unjust enrichment, and unfair and deceptive trade practices.
- Obtained a dismissal with prejudice for air conditioning manufacturer in a putative class action lawsuit alleging product defects and asserting warranty breaches and violation of consumer protection laws, including FDUTPA.
- Defended manufacturer of water heater connector products in putative nationwide class action lawsuit alleging failure to warn, design defects, breach of warranty, and unjust enrichment.
- Defended deodorant and antiperspirant manufacturer in putative nationwide class action lawsuit alleging that the presence of benzene in their aerosol products was a violation of consumer protection statutes, fraud, breach of warranty, and unjust enrichment.

## COMMERCIAL AND BUSINESS LITIGATION

- Primary brief writer securing summary judgment for a Fortune 50 software company in a US\$43B lawsuit involving alleged false advertising under the Lanham Act. Opinion was affirmed by the Eleventh Circuit Court of Appeals.
- Obtained dismissal for fashion designer in alleged tortious interference lawsuit.
- Defending international rental car agency in false arrest litigation and commercial disputes involving breach of contract.
- Defended international brewer and its subsidiaries in lawsuit alleging deceptive and unfair trade practices, unfair competition, and tortious interference, among other things.
- Defended international superyacht and architectural glass manufacturer in dispute with its supplier involving breaches of implied warranty.
- Provided defense counsel and consulting to retailers, restaurateurs, commercial landlords, and others in putative class action lawsuits alleging violations of Title III of the ADA due to the inaccessibility of their stores, restaurants, and shopping centers, or due to the inaccessibility of their websites and mobile apps.

# Recognitions

- Recognized, *Best Lawyers: Ones to Watch*® in America for Commercial Litigation, 2024
  - Top Rated Lawyer, *Super Lawyers* - Florida "Rising Star," 2023-2024
  - Listed, *The Legal 500 US*, Dispute Resolution - Product Liability, Mass Tort and Class Action Defense: Consumer Products (Including Tobacco), 2021
- 

# Activities

- Member, Cuban American Bar Association
  - Participant, Leadership Council on Legal Diversity (LCLD) Pathfinder Program (2022)
- 

# Credentials

## EDUCATION

Elisa received her B.A., *cum laude*, in Anthropology from the University of Florida in 2014, and graduated as an Anderson Scholar of the Highest Distinction. She received her J.D. from Harvard Law School in 2017, where she was the Editor-in-Chief of *Harvard Journal of Sports and Entertainment Law*.

## ADMISSIONS

- Florida

# Related Insights & News

- "Previously Out-of-Fashion Unpaid Internships Given a Makeover by the DOL," *Daily Business Review*, Co-author, Oct. 25, 2018
  - "Giving Back to My Community Through the Child Advocacy Clinic," Harvard Law School Clinical and Pro Bono Programs Blog, April 12, 2017
- 

## BLOG

Rejected Settlement Agreement in *Hawes v. Macy's, Inc.* Provides Valuable Lessons on Cy Pres Provisions  
FEBRUARY 28, 2024

---

## BLOG

Winston & Strawn Launches Fifth Cohort of D&I Associate Sponsorship Program  
OCTOBER 19, 2023

---

## RECOGNITIONS

Winston Attorneys Recognized in *Best Lawyers: Ones to Watch*® in America 2024

AUGUST 17, 2023

---

**BLOG**

Protein Power: Defendants Are Beating Back Allegations of Misleading Protein Content

AUGUST 10, 2023

---

**NEWS**

2022 Pro Bono Impact Report

MAY 1, 2023

---

**BLOG**

“Carbon-Neutral” Advertising May Lead to Litigation

JANUARY 30, 2023

---

**BLOG**

PFAS Mislabeling Consumer Class Actions on the Rise in 2023

DECEMBER 21, 2022

---

**PRESS RELEASE**

Winston & Strawn’s Expanding Miami Office Adds Two Partners: A Leading Corporate / Financial Services Lawyer and an Experienced Litigator

JUNE 29, 2022

---

## Capabilities

---

Litigation/Trials

Commercial Litigation & Disputes

Class Actions & Group Litigation

Product Liability & Mass Torts

Advertising Litigation

Food & Beverage

Technology, Media & Telecommunications

Retail & Luxury