



Jeff Wilkerson

Partner

Charlotte
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Jeff focuses on complex litigation and client counseling. He works with his clients to develop and execute litigation and pre-litigation strategies that advance and protect their interests. He has significant experience in all aspects of class action defense, investigations, and appeals.

Jeff focuses primarily on high-value, complex litigation, including class action defense, investigations, and appeals. In addition, he counsels several consumer products and financial services companies on advertising, labeling, regulatory, and compliance issues. In sum, Jeff works with his clients both to anticipate, manage, and mitigate litigation risk and, if litigation is filed, to strategically and effectively protect their interests.

Jeff is adept at managing complex and high-value cases, whether in the context of a single case or investigation, a multi-forum dispute, or a centralized multi-district litigation. He has taken and defended dozens of depositions; managed massive document collection, review, and production efforts; interviewed internal and external stakeholders (including in the context of internal investigations); managed large teams of expert witnesses and consultants; drafted hundreds of motions; negotiated, drafted, and implemented settlement agreements; negotiated with state and federal prosecutors; designed and executed jury research projects; prepared numerous complex cases for trial; and presented evidence and witnesses to state and federal courts.

He is also a respected legal writer, appellate strategist, and oral advocate. Clients count on Jeff to prepare their most important briefs and motions, both in cases where he is lead counsel and in cases that require someone to

“parachute in” for a key motion or appeal. He has authored hundreds of motions and oppositions filed in courts around the country, including briefing to federal and state courts of appeal and the Supreme Court of the United States, and he has argued numerous motions and appeals before federal district and appellate courts.

Prior to entering private practice, Jeff served as a law clerk to the Honorable Sandra Ikuta on the United States Court of Appeals for the Ninth Circuit. In law school, he was an editor for *The University of Chicago Law Review* and worked with the Exoneration Project to seek the release of prisoners with compelling evidence of actual innocence.

When he’s not working, Jeff spends time with his three beautiful children and his lovely wife and pursues a bevy of hobbies, including a lifelong battle with the electric guitar and other minor pursuits, including fishing, chess, golf, weightlifting, travel, and an ever-failing attempt to stay current on new music.

Key Matters

- Represents a large consumer food company in its defense of numerous false-advertising class actions centralized in a multidistrict proceeding.
- Represented a large food company in its defense of a breach-of-contract action arising out an acquisition of a subsidiary—the complaint was ultimately voluntarily dismissed by the plaintiff before the court had even heard argument on Jeff’s client’s motion to dismiss.
- Represents the crop sciences division of a Fortune 500 company in its defense of a putative nationwide class action alleging that the company failed to disclose elevated levels of impurities in its herbicide products.
- Provides ongoing counseling and guidance to multiple consumer-products companies regarding their advertising, marketing, and labeling.
- Provides ongoing counseling and advice to a major financial institution regarding its investment in large real estate transactions.
- Represented a Fortune 500 company in connection with its response to a false advertising investigation by a state attorney general’s office.
- Represented a major financial institution in connection with its defense of a False Claims Act (FCA) investigation regarding the company’s investment in certain state-sponsored real estate projects.
- Represents a number of Fortune 500 companies defending individual and class action cases alleging that consumer herbicide products they sell are falsely advertised because their labels fail to state that the products are allegedly carcinogenic.
- Represented a large public service consulting company in litigation against a former executive employee regarding the employee’s claim that he was entitled to severance and other benefits upon his resignation.
- Represents a large financial institution in connection with its response to a grand jury subpoena and a concurrent internal investigation regarding the financial institution’s investment in complex financial products.
- Represents the crop sciences division of a Fortune 500 company in its defense of several false advertising actions alleging that the labels of the company’s herbicide products contain a false and misleading statement. Class certification was recently denied in one of these cases after preparing a briefing in opposition to the plaintiff’s motion for class certification.
- Represented a Fortune 500 technology company in connection with its defense of Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and breach of contract claims related to the allocation of responsibility for environmental contamination at a former manufacturing facility.
- Represented the United States’ largest importer of Chinese garlic in its appeal to the Ninth Circuit Court of Appeals seeking reversal of a district court order dismissing our client’s Racketeer Influenced and Corrupt Organizations (RICO) claims against competing importers that had made false and defamatory representations

about our client to the Federal Trade Commission (FTC); after preparing a briefing, the Ninth Circuit ruled for our client in a published opinion.

- Represented a large financial institution in connection with a purported nationwide class action alleging that our client inappropriately closed consumers' credit card accounts; after overseeing an investigation into the underlying facts and presenting our client's defenses to opposing counsel, the plaintiff agreed to voluntarily dismiss the case with no payment from our client.
- Represented two individuals on a pro bono basis in connection with their petition to the Supreme Court of the United States to grant certiorari and review a Tenth Circuit opinion affirming the dismissal of their complaint seeking compensation for Santa Fe County, New Mexico's practice of jailing pretrial detainees for weeks or months before providing them with access to a court and opportunity to post bail.
- Represented a packaged foods company in connection with its defense of a purported nationwide class action alleging that our client falsely advertised its products as "all natural." After preparing a briefing, the court dismissed several of the plaintiff's claims with prejudice, and the plaintiff ultimately agreed to voluntarily dismiss the case with no payment from our client.
- Represented a subsidiary of a Fortune 500 technology company in connection with a dispute it was having with one of its former distributors. After preparing a demand letter and negotiating with the distributor's counsel, the matter was settled on terms far more favorable to our client than what the distributor had previously indicated was its "best" offer.
- Represented a large financial institution in litigation in which an insurer sought to rescind over a billion dollars of credit insurance. The case settled favorably for our client shortly before trial.
- Prepared a briefing to the California Court of Appeal for our client, a family trust, defending a judgment in favor of our client in a case where the plaintiff sought hundreds of millions of dollars in damages. The Court of Appeal issued an opinion affirming the dismissal in favor of our client and awarding our client attorney's fees and costs.
- Represented a large financial institution in multiple consumer class actions; after preparing briefing seeking to dismiss the claims against our client, we negotiated favorable settlements before class certification and while motions to dismiss were pending.
- Represented a large financial institution in connection with a wide-ranging third-party subpoena it received in connection with litigation involving a former counter-party; we negotiated a subpoena response comprising less than 1000 pages of documents and avoiding any e-discovery at all, and avoided further litigation.
- Represented our client, an IP owner, prepare a briefing in connection with its successful opposition to an alleged infringer's motion to stay our client's litigation against it.
- Represented a Fortune 500 biopharmaceutical company and its executive in connection with a nationwide securities class action which settled favorably for his client shortly before trial.
- Represented a leading real estate and information-services firm in connection with its defense of a nationwide class action suit asserting claims under the Real Estate Settlement Procedures Act (RESPA); the case settled favorably for the client while a motion we prepared seeking to excluded the plaintiffs' key experts was pending.
- Represented a leading real estate and information-services firm in connection with its defense of a breach of contract action brought by the FDIC as receiver for a major lending institution; the case settled favorably for his client shortly before trial.

Recent Experience

Winston Obtains Dismissal for Beverage Company in Consumer Class Action

Recognitions

Jeff has been recognized by *Best Lawyers: Ones to Watch*® in Banking and Finance Law, Commercial Litigation, and Mass Tort Litigation/Class Actions-Defendants from 2021–2023. He was recognized by *The Legal 500 U.S.* in the area of Dispute Resolution: Product Liability, Mass Tort and Class Action - Defense: Consumer Products in 2023. He was also recognized in Law360's Legal Lions of the Week list in December 2023. Jeff has also been named to the North Carolina Pro Bono Honor Society.

Credentials

EDUCATION

Jeff earned a B.A. in English, *cum laude*, from The University of North Carolina at Charlotte in 2007 and a J.D., with high honors, from The University of Chicago Law School in 2011, where he was a member of *The University of Chicago Law Review*.

Jeff served as law clerk to Judge Sandra Ikuta, United States Court of Appeals for the Ninth Circuit in Pasadena, California.

ADMISSIONS

- North Carolina
- California

CLERKSHIPS

- USCA - Ninth Circuit for the Honorable Sandra Ikuta

Related Insights & News

Publications

- [Comment Letter on Proposed New Rule 16.1](#), Feb. 9, 2024
- ["Do 'Fail Safe' Class Definitions Automatically Derail Certification?"](#) The National Law Journal, Featured, Aug. 23, 2023
- ["D.C. Circuit Rejects Rule Against 'Fail-Safe' Class Certification,"](#) Winston & Strawn Class Action Insider, Co-Author, May 2023
- ["Class Actions 101: Considerations for Removing a Case to—and Keeping it in—Federal Court Under the Class Action Fairness Act,"](#) Winston & Strawn Class Action Insider, Co-Author, June 2022
- ["Ninth Circuit Reverses Class Certification in Copyright/Bootlegging Dispute,"](#) Winston & Strawn Class Action Insider, Co-Author, Jan. 2022
- ["Ninth Circuit Right on Standing for Previously Deceived Consumers—but Uncertainty Remains,"](#) Winston & Strawn Class Action Insider, Co-Author, Sept. 2021
- "9th Circuit is Wrong on Consumer Fraud Injunctive Relief Issue," *Law360*, Co-Author (with Patrick Hogan), June 2021
- "Claim Litigation in the Food Industry," *Natural Products Insider*, Co-Author (with Amanda Groves), Feb. 2017

- “Understanding Trademark Strength,” *Stanford Technology Law Review*, Co-Author (with Timothy Denny Greene), July 2013

Speaking Engagements

- “Class representative Incentives and Leadership Structures,” Rabiej Litigation Law Center Class Action Virtual Bench-Bar Conference, Panelist, July 2023
- “Ethics and Interactions with the Judiciary,” Baylor MDL Judicial Summit, Panelist, June 2023
- “Damages and Issues Related to Admissibility and Conjoint Analyses,” Bridgeport Class Action Litigation Conference, Panelist, Sept. 2022
- “Preservation Strategies to Address the Advent of New Technologies,” Winston Webinar, Moderator, July 2022
- “The Applicability of *Daubert* at Class Certification,” Bridgeport Class Action Litigation Conference, Panelist, Sept. 2019
- “Understanding Trademark Strength,” Seton Hall Law School, Works in Progress Intellectual Property, Speaker, Feb. 2013
- “The Circular Nature of Trademark Strength,” INTA, Speaker, May 2012

BLOG

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

RECOGNITIONS

John Rosenthal and Jeff Wilkerson Receive the Lawyers for Civil Justice “Outstanding Contributor” Award
DECEMBER 1, 2023

IN THE MEDIA

Jeff Wilkerson Discussed Circuit Split on “Fail Safe” Class Actions with *The National Law Journal*
AUGUST 25, 2023

BLOG

D.C. Circuit Rejects Rule Against “Fail-Safe” Class Certification
MAY 10, 2023

BLOG

Winston’s Charlotte Office Provides Pro Bono Services to Vulnerable Community Members
OCTOBER 12, 2022

SPEAKING ENGAGEMENT

Jeff Wilkerson Speaks at Bridgeport 2022 Class Action Litigation Conference
SEPTEMBER 16, 2022

RECOGNITIONS

Winston & Strawn Recognized in *The National Law Journal* Legal Awards 2022

AUGUST 29, 2022

RECOGNITIONS

Winston & Strawn Attorneys Recognized in *Best Lawyers: Ones to Watch in America* 2023

AUGUST 18, 2022

WEBINAR

Preservation Strategies to Address the Advent of New Technologies

JULY 19, 2022

BLOG

“Operation Sandwich” Comes Roaring Back and Raises \$6,000+ to Help End Homelessness

JULY 7, 2022

BLOG

Class Actions 101: Considerations For Removing a Case To—And Keeping It In—Federal Court Under the Class Action Fairness Act (CAFA)

JUNE 16, 2022

BLOG

District of New Jersey’s Dismissal in Subaru Exemplifies the Utility of the Economic Loss Rule and Puffery Arguments for Class Action Defendants

APRIL 7, 2022

Capabilities

Litigation/Trials

Financial Services Litigation

Class Actions & Group Litigation

Commercial Litigation & Disputes

Government Investigations, Enforcement & Compliance

Antitrust/Competition

Appellate & Critical Motions

Environmental

Labor & Employment

Financial Services