



→ Anna S. McLean

Partner

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Anna McLean is a partner in the Business Trial Practice Group. She is a Leader of the firm's Class Action Defense Team.

Areas of Practice

Anna focuses on the defense of complex class actions, with particular emphasis on consumer products, consumer finance, and building products. She regularly defends companies in state and federal courts with regard to alleged unfair business practices, product defect and warranty claims, and disclosure issues, as well as alleged violations of the TCPA, ECOA, FCRA, TILA, and their state-law analogues. She has represented clients in matters before the CFPB and the CPSC.

Anna litigates issues at the vanguard of state and federal law on the enforcement of consumer arbitration clauses containing class action waivers, *e.g.*, *Trabert v. Consumer Portfolio Services Inc.*, 2015 WL 9271437 (Cal. Ct. App. 2015) (dismissing appeal from trial court order compelling arbitration); *Arguelles-Romero v. Superior Court*, 184 Cal. App. 4th 825 (2010) (finding arbitration clause with class action waiver not unconscionable); and *Smith v. AmeriCredit*, 2009 U.S. Dist. LEXIS 115767 (S.D. Cal.) (granting motion to compel arbitration and dismissing action).

Anna also represents major building products manufacturers in putative class actions alleging consumer warranty and unfair business practices claims arising out of the use of allegedly defective building materials. *E.g.*, *Camenson v. Milgard Manufacturing, Inc.*, 2008 WL 2381904 (Cal. Ct. App. 2008) (upholding denial of class certification of homeowner claims alleging defective windows).

Anna has received an AV® rating by Martindale-Hubbell®, the highest rating an attorney can receive for legal quality and ethics.

Honors

Consumer Protection Editorial Advisory Board, *Law360*, 2022, 2023

Experience

Representative engagements defending:

- Major auto finance companies in consumer class actions challenging financing and leasing issues, including Toyota Financial Services, GM Financial, Nissan Motor Acceptance Corporation, Consumer Portfolio Services

and Santander Consumer USA, among others. *E.g. In re Toyota Motor Corp. Unintended Acceleration Marketing, Sales Practices, and Products Liability Litigation*, 785 F. Supp. 2d 883, 904 (C.D. Cal. 2011) (granting motion to dismiss with prejudice); *AmeriCredit Financial Services, Inc. (now GM Financial), including Bankston v. AmeriCredit*, 2011 WL 89730 (N.D. Cal.) (granting dismissal for lack of standing); and *Wright v AmeriCredit*, 2010 WL 5058345 (S.D. Cal.) (upholding validity of notice and dismissing action).

- Major building products manufacturers in putative class actions alleging consumer warranty and unfair business practices claims arising out of the use of allegedly defective building materials. *E.g., Camenson v. Milgard Manufacturing, Inc.*, 2008 WL 2381904 (Cal. Ct. App. 2008) (upholding denial of class certification of homeowner claims alleging defective windows).
- Major banks, insurers and consumer finance companies in class actions in state and federal courts challenging force-placed insurance on automobile and home loans, including *Wahl v. American Security Ins. Co.*, 2008 WL 2444802 (N.D. Cal.).
- Major car rental companies in multiple state and federal class actions challenging fees, pass-throughs and refueling charges. Defeated class certification or prevailed on dispositive motion in four cases, including *Guerra v. Hertz*, 504 F. Supp. 2d 1014 (D. Nev. 2007).
- Major disk drive manufacturer in class action alleging consumer warranty claims. *In re Seagate Technology LLC Litigation*, 2019 WL 282369 (N.D. Cal.) (denying plaintiffs' second attempt at class certification).

Articles

- Implications of the USDA's New Organic Rule
Food Manufacturing, 03.21.2023

Articles and Presentations

- "FDCA Preemption: A Powerful Tool for Defending Class Actions," *Class Action Defense Strategy Blog*, March 25, 2024
- "Ninth Circuit Slashes Exorbitant Attorney's Fee Award That Would 'Make the Average Person Shake Her Head in Disbelief'," *Class Action Defense Strategy Blog*, June 28, 2023
- "Implications of the USDA's New Organic Rule," *FDA Law Blog*, May 25, 2023
- "Ninth Circuit Decision in Live Nation and Ticketmaster's Favor Highlights Subtleties of Drafting Enforceable Arbitration Provisions," *Class Action Defense Strategy Blog*, March 1, 2023
- "High court says 'concrete' injury required for Article III standing for class members," *Daily Journal*, July 2, 2021
- "Nominal damages sufficient for Article III standing; dissent warns of 'major expansion' of courts' role," *Daily Journal*, March 17, 2021
- "Supreme Court to Address Class Action Standing in Ramirez Case: To Recover, Must Absent Class Members Establish Actual Injury?" *Class Action Defense Strategy Blog*, December 29, 2020
- "Ninth Circuit Fuels More Efficient Nationwide Class Settlement," *Class Action Defense Strategy Blog*, June 19, 2019
- "Are credits coupons? The Ninth Circuit Says Yes in Calculating Total Value of Class Action Settlements," *Class Action Defense Strategy Blog*, October 17, 2018

- "Ninth Circuit Slams the Brakes on Nationwide Class Action Settlement; Choice of Law and Reliance Are Bumps in the Road," *Class Action Defense Strategy Blog*, February 1, 2018
- "Dancing On Their Own: The California Supreme Court's Decision in *McGill v. Citibank, N.A.* that Class Action Waivers Do Not Apply to Claims for Public Injunctive Relief under California's Consumer Protection Laws," *Class Action Defense Strategy Blog*, April 7, 2017
- "No Proof Necessary: SCOTUS Rules Defendant's Notice Of Removal Under CAFA Need Not Include Evidence of The Amount In Controversy," *Class Action Defense Strategy Blog*, December 18, 2014
- "Top Five Tips For Minimizing The Risk of Class Action Litigation," *Class Action Defense Strategy Blog*, June 16, 2014
- "The Contract Is King: The U.S. Supreme Court's Two Recent FAA Decisions," *Bloomberg BNA*, September 27, 2013
- Bridgeport Continuing Education, 2013 Class Action Litigation & Management Conference, August 22-23, 2013, "Arbitration: Assessing the Impact on Class Action Litigation"
- "The Ninth Circuit Holds That The TCPA Prohibits Automated Calls Even When They Do Not Refer To Any Specific Good Or Service," *Class Action Defense Strategy Law Blog*, October 31, 2012, reprinted in 19 *Association of Business Trial Lawyers Report*, San Diego, Winter 2012
- "Ninth Circuit rejects class action settlement, clarifies standards for cy pres remedies and plaintiff counsel's attorneys' fees," *Class Action Defense Strategy Law Blog*, July 19, 2012
- Interviewed in *Class Dismissed*, *The California Lawyer*, April 2012
- Q&A With Sheppard Mullin's Anna McLean, *Law360*, July 6, 2011
- The Recent Assault on Consumer Arbitration Clauses, Lexology, Association of Corporate Counsel, October 2, 2009
- ABA Antitrust Section, Consumer Protection Committee Spring 2008 Meeting: "California Schemin', Unfair Practices and False Advertising in California"
- Product Liability Roundtable Discussion, *The California Lawyer*, December 2007
- Bridgeport Continuing Education 2006 Class Action & UCL Litigation Conference, May 2006, Recent Developments in UCL Case Law
- CLE International Class Actions Conference, February 2006, Impact of the Class Action Fairness Act
- New Federal Law re Multi-State Class Actions, February 18, 2005
- CEB, Continuing Educating the Bar, April 2003, Unfair Business Practices - B&P Code §17200 and Beyond
- Practising Law Institute, Unfair Competition Claims 2002: California Section 17200's Impact on Corporations Everywhere, August 2002
- Glasser Legalworks Seminars, Litigation & Resolution of Complex Class Actions: Product Liability/Mass Tort Developments & Medical Monitoring Class Actions, January 2002

Media Mentions

Law360's 2023 Consumer Protection Editorial Advisory Board
Law360, 05.03.2023

Class Action Group Of The Year. Sheppard Mullin
Law360, 02.07.2023

Law360's 2022 Consumer Protection Editorial Advisory Board
Law360, 04.20.2022

Seagate Hard Drive Consumers Denied Class Cert.
Law360, 07.06.2018

Speaking Engagements

Moderator, "Emerging UCL Issues," California Lawyers Association, January 12, 2023

Events

Annual Class Action Law Forum
Trends and Hot Topics in Class Actions
University of San Diego, 03.12.2024

Class Action Threats in 2023 And Beyond - A Webinar Series
Webinar Series, 2023

Arbitration and Class Action Waivers: A Vision of a Classless Society
Class Action Threats in 2023 and Beyond - A Webinar Series
Webinar, 10.03.2023

Project General Counsel Workshop
Sheppard Mullin - Los Angeles, 11.14.2019

UCLA Law Women LEAD CLE on Challenges to Eliminating Bias in the Workplace
Sheppard Mullin San Francisco
01.25.2018

UCLA Law Women LEAD Mentor Circle on Positioning Yourself to Transition to an In-House Legal Department
Sheppard Mullin San Francisco
02.11.2016

UCLA Law Women LEAD Mentor Circle on Women Litigators
Sheppard Mullin San Francisco, 07.23.2015

MCLE Credit Crunch
01.27.2015

Memberships

Fellow, American Bar Foundation
Member, American Bar Association

Admitted, State Bar of California

Admitted, State Bar of Texas

Member, Bar Association of San Francisco

Member, Association of Business Trial Lawyers Board of Governors

Podcasts & Webinars

Arbitration and Class Action Waivers: A Vision of a Classless Society
10.03.2023

Class Action Threats Facing the Consumer Finance Industry in the Age of COVID
06.25.2020

Practices

Litigation

Class Action Defense

Construction

Industries

Automotive

Construction

Financial Services

Food and Beverage

Transportation

Education

J.D., UCLA School of Law, 1989, *UCLA Law Review*

B.A., University of California, Berkeley, *with high distinction*

Admissions

California

Texas

Additional Office

Dallas