



→ Sascha Henry

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Sascha Henry is a partner and Practice Group Leader of the Business Trial Practice Group and is based in the firm's Los Angeles office.

Areas of Practice

Sascha excels at helping clients respond to sensitive and complex litigation, including class actions:

- She prevailed at the motion to dismiss stage in a consumer class action, convincing the court that no reasonable consumer would be misled by the client's label regarding the presence of added sugar. She recently argued the case and prevailed at the appellate level, resulting in a favorable published decision for defendants.
- She led a team of lawyers to favorably resolve a multi-year, complex dispute spanning two state courts, a federal court, and an arbitration involving claims of trade secret theft and allegations of anti-competitive behavior.
- She regularly counsels clients who receive pre-litigation demand letters alleging products are misleadingly advertised.
- She prevailed on a motion for summary judgment in a putative nationwide class action that alleged that the client misled consumers about the fill of its beverages.
- She prevailed on a motion for summary judgment in a putative class action alleging the client, a national restaurant chain, misled consumers about its food.
- She also prevailed on two motions to dismiss in false advertising class actions, arguing that no reasonable consumer could be deceived by the alleged description of a beverage size.
- She defeated class certification of an alleged nationwide class action involving allegations of false labeling of food.
- She argued a case before the California Second District Court of Appeal, and the court then affirmed summary judgment in favor of the client in a complex business matter.
- In 2011, she prevailed in a complex business fraud case, resulting in a jury verdict of over \$300 million for the client after a lengthy trial.

Sascha's experience includes actions involving:

- Alleged violations of California's Unfair Competition Law and False Advertising Law and other state's equivalents, including Florida's Unfair and Deceptive Trade Practices Act and New York's General Business

Law §§ 349 and 350

- Alleged violations of price gouging statutes
- Alleged breach of contract, including distribution and supply agreements
- Business torts, including intentional interference claims and theft of trade secrets

Sascha has also litigated disputes regarding shareholder rights, privacy rights, defamation, truth in lending laws, sovereign immunity and Insurance Code violations.

Sascha's experience includes litigating in state and federal trial courts, as well as appellate work in the California Court of Appeal and the Ninth Circuit Court of Appeals.

Honors

- Leading U.S. Litigator, *Lawdragon*, 2022-2023
- Best Lawyers in America, Litigation, *Best Lawyers*, 2018-2024
- Southern California Super Lawyer, *Super Lawyers*, 2018-2020
- Recommended Lawyer: Media, Technology and Telecoms - Advertising and Marketing: Litigation, *Legal 500*, 2019
- Top Women Lawyers, *Daily Journal*, 2012, 2014 and 2020
- Most Influential Women Lawyers, *Los Angeles Business Journal*, 2019
- Top 20 Under 40, *Daily Journal*, 2012
- Attorney of the Year, *The Recorder*, 2012

Experience

Class Actions:

- Represented beverage retailer in false advertising class action. Prevailed on motion for summary judgment.
- Represented national restaurant company in class action over alleged false advertising. Prevailed on motion for summary judgment, and defeated class certification.
- Represented national restaurant company in class action over alleged false advertising.
- Represented beverage retailer in two false advertising class actions. Prevailed on both on motion to dismiss.
- Represented supplement manufacturer in false advertising class action relating to product labeling. Prevailed on motion to dismiss.
- Represented national restaurant company in false advertising class action relating to menus. Defeated class certification and matter resolved favorably for client.
- Represented supplement manufacturer in false advertising class action. Prevailed on motion to dismiss.
- Represented cosmetic manufacturer in false advertising class action. Resolved by favorable settlement.
- Represented insurer in class action alleging class was owed interest on deposits paid. Prevailed on summary judgment and judgment was affirmed on appeal.

- Represented law firm in class action against allegations of malpractice. Resolved by favorable settlement.
- Represented storage facility in class action against allegations of statutory violations related to insurance program. Resolved by favorable settlement.
- Represented internet-based company in class action alleging false advertising and unfair business practices. Resolved by favorable settlements.
- Represented lender in class action alleging class members' privacy rights were violated. Prevailed in arbitration, and judgment in favor of client was affirmed on appeal.
- Represented app developer in class action alleging class members' privacy rights were violated. Case against client dismissed.
- Represented lender in class action alleging class members were deceived into paying undisclosed fees. Prevailed on summary judgment, and judgment was affirmed on appeal.

Complex Business Cases:

- Represented real estate developer in dispute regarding sales commissions. Prevailed on summary judgment and judgment was affirmed on appeal.
- Represented insurer against policyholder in complex fraud and deception case. Prevailed after three-month jury trial.
- Represented technology company in license dispute. Resolved in client's favor.
- Represented lenders in connection with fraud committed by borrowers. Resolved by favorable settlement.
- Represented manufacturer in complex dispute with distributor. Resolved by favorable settlement.
- Represented online marketing service in dispute with marketing vendor. Resolved by favorable settlement.
- Represented pharmaceutical company in dispute with vendor. Prevailed in arbitration, and judgment in favor of client was affirmed on appeal.

Published Appellate Decisions:

Shaeffer v. Califia Farms, LLC, 44 Cal. App.5th 1125 (2020)

State Comp. Ins. Fund v. Sup. Ct., 184 Cal. App. 4th 1124 (2010)

Articles

- Food and Beverage Class Actions: What's Trending for 2023
Food Manufacturing, 01.27.2023
- Food & Beverage Industry's 2022 Litigation Outlook
Food Manufacturing, 01.05.2022
- Food & Beverage Class Actions: What You Need to Know for 2021
Food Manufacturing, 01.06.2021
- What's Trending in Food and Beverage Class Actions?
Food Manufacturing, 01.23.2020
- Slack-Full Litigation: Recent Developments and Tips to Minimize Risk
Association of National Advertisers, 11.2019

- The Evolution Of Food & Beverage Class Actions: What You Need To Know For 2018
Food Manufacturing, 04.20.2018
- Food and Beverage Class Actions: Trends and Potential Developments
American Bar Association: The Woman Advocate, 05.24.2016
- Food & Beverage Class Actions: Early and comprehensive legal frameworks and defense strategies
Metropolitan Corporate Counsel, 03.29.2016
- The New Normal: The Need for Damages Proof To Certify Consumer Classes Post-Comcast
Bloomberg BNA: Class Action Litigation Report, 03.28.2014
- 'Natural' suits persist absent FDA definition
Los Angeles Daily Journal, 01.06.2014

FDA Law Blog Posts

- "FDA Proposes Updated Rule for "Healthy" Foods," October 27, 2022

Media Mentions

Aerospace Company Settles No-Poach Suit for \$7.4 Millions'
Bloomberg Law News, 01.25.2024

Group of Engineering Firms to Settle 'No Poach' Antitrust Claims
Reuters, 01.25.2024

Litigation Leaders: Sheppard Mullin's Robert Friedman on Splitting Leadership of the Business Trial Group Three Ways
ALM, 08.03.2023

Law360's Legal Lions Of The Week
Law360, 07.14.2023

Lawyer behind 100's of food lawsuits faces sanctions in Starbucks, Walmart cases
Reuters, 07.13.2023

Starbucks Coffee False-Ad Suit Axed, Plaintiff's Lawyer Rebuked
Bloomberg Law, 07.13.2023

'Frivolous' Starbucks Suit Tossed, Judge Considers Sanctions
Law360, 07.12.2023

How One Litigation Group Evolved Its Training Program to Incorporate Remote Advocacy
The AmLaw Litigation Daily, 03.13.2023

Management by Fear Is Becoming Ineffective at Law Firms
The American Lawyer, 11.17.2021

Too Cute? Appeals Court Nixes Claim Over 'No Sugar Added' Label on Cuties Juice
The Recorder, 02.06.2020

Law360's Weekly Verdict: Legal Lions & Lambs
Law360, 03.15.2018

9th Circ. Clears Starbucks In Underfilled Iced Drink Suit
Law360, 03.13.2018

Law360's Weekly Verdict: Legal Lions & Lambs
Law360, 01.12.2018

Starbucks Wins Toss Of Underfilled Latte Class Action
Law360, 01.05.2018

Judge Not Hot On Suit Alleging Starbucks Shorts Lattes
Law360, 11.07.2017

Law360's Weekly Verdict: Legal Lions & Lambs
Law360, 08.25.2016

Food Labeling Cases Prove Tough For Plaintiffs' Lawyers
Daily Journal, 01.09.2015

5 Tips For Defeating A Class Cert. Bid
Law360, 06.24.2014

Top Women Lawyers - Sascha Henry
Daily Journal, 05.07.2014

Famine and Feast
Inside Counsel, 04.01.2014

Speaking Engagements

- Speaker, "Life After McGinity: Recent Developments in False Advertising Cases in the Ninth Circuit," December 14, 2023
- Speaker, "Price Premium Damages in Class Actions: Establishing Whether Losses Are Capable of Measurement on a Classwide Basis," Strafford webinar, June 22, 2023
- Speaker, "ACI's 7th Annual Advanced Summit on Food Law – Regulation, Compliance and Litigation," April 19, 2023
- Speaker, "ACI's Food Litigation in 2022: Analyzing Class-Actions Claims and Other Litigation Activity Affecting the Food and Beverage Industry," Chicago, Illinois, July 13, 2022
- Speaker, "PFAs Litigation and Policy Concerns, Webinar for Restaurant Law Center," June 8, 2022
- Co-Chair, "CLE International's 6th Annual Food Law Conference," Virtual, March 11, 2021
- Co-Chair, "CLE International's 5th Annual Food Law Conference," San Francisco, California, March 2-3, 2020
- Co-Chair, "CLE International's 4th Annual Food Law Seminar," UCLA Law Faculty Center, Los Angeles, California, June 6-7, 2019
- Co-Chair, "CLE International's 3rd Annual Food Law Seminar," Denver, Colorado, April 19-20, 2018

- Speaker, "Consumer Fraud and Product Labeling," CLE International Class Actions Conference, Los Angeles, California, November 8, 2017
- Co-Chair, "CLE International's 2nd Annual Food Law Seminar," Austin, Texas, May 11-12, 2017
- Co-Chair, "CLE International's First Annual Food Law Seminar," Washington, D.C., March 17-18, 2016

Memberships

- Member, Outside Advisory Board of the Resnick Center for Food Law & Policy at UCLA Law School, 2018 - present
- Member, Board of Directors of the Constitutional Rights Foundation, 2021 – 2023
- Member, Board of Governors, Association of Business Trial Lawyers, 2012 - 2017; Co-Chaired Dinner and Lunch Program Committees
- Member, Food Law Committee California State Bar, 2015 - present
- Member, Food and Supplements Subcommittee, Section of Litigation, American Bar Association, 2015 - 2017
- Member, Leadership California's Executive Advisory Council, 2015 to 2017; past board member
- Member, Los Angeles County Bar Association
- Member, Class Actions and Derivative Suits Committee
- Member, Women's Advocate Committee, Section of Litigation, American Bar Association

Podcasts & Webinars

Nota Bene Episode 38: How Regulations Surrounding the Food Industry are Evolving with Michael Roberts and Sascha Henry

06.05.2019

Practices

Class Action Defense

Litigation

Industries

Advertising

Financial Services

Food and Beverage

Healthcare

Insurance

Mortgage Banking

Education

J.D., University of Minnesota Law School, 1997, *cum laude*

B.A., Pennsylvania State University, 1994

Admissions

California

U.S. Court of Appeals for the Fourth Circuit

U.S. Court of Appeals for the Ninth Circuit

U.S. Court of Appeals for the Eleventh Circuit

U.S. District Courts for the Central, Eastern, Southern and Northern Districts of California

U.S. District Court for the Eastern District of Michigan