



## **LAURI A. MAZZUCHETTI**

PARTNER

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*CLIENTS APPRECIATE MY UNBIASED ASSESSMENT OF THEIR REALISTIC CHANCES FOR SUCCESS, CLEAR COMMUNICATION REGARDING THEIR OPTIONS FOR RESOLUTION AND BUDGET, AND FIERCE ADVOCACY ON THEIR BEHALF.*

### **Education**

Seton Hall University School of Law  
J.D., 1999

Rutgers University  
B.A., 1996

### **Bar Admissions**

New Jersey, 2000

### **Courts**

U.S. Court of Appeals—Second, Third and  
Ninth Circuits

U.S. District Court—District of New Jersey

U.S. District Court—Central District of  
Illinois

Lauri Mazzuchetti's practice focuses on commercial litigation and consumer-oriented class action defense, representing clients in FTC and state attorneys general investigations and other litigation. She is a member of Kelley Drye's executive committee and the former managing partner of the firm's New Jersey office.

Lauri advises consumer-facing businesses, including telecommunications carriers, retailers, food companies and emerging technology companies in complex class action cases in federal and state courts in a multitude of jurisdictions. She represents clients in commercial litigation in federal and state courts at the trial and appellate levels, as well as in arbitration and mediation fora. She regularly provides guidance to clients facing complex legal challenges and resolves such matters as quickly and inexpensively as possible.

As cofounder of the firm's Telephone Consumer Protection Act (TCPA) practice, Lauri has defended dozens of TCPA cases and government-plaintiff suits nationally, and she routinely counsels some of the nation's largest companies on an array of regulatory and commercial issues related to the TCPA and telemarketing issues. Most recently, Lauri won summary judgment for a multinational corporation in a multi-district TCPA class action in federal court that addressed the substantive law regarding TCPA third-party liability claims. *Law360* profiled Lauri's recent wins in TCPA and consumer fraud cases as part of their 2017 "Consumer Protection Practice Group of the Year" awards, which recognized several Kelley Drye litigation wins that resonated throughout the legal industry in the past year. In the 2017 edition of *Legal 500*, Lauri is noted as 'highly rated' and the firm's class action team is recommended as an "excellent group excelling in class actions and mass tort litigation, with a particular niche in Telephone Consumer Protection Act (TCPA) cases."

Lauri's reputation as both defense and plaintiff counsel for high-stakes claims allows her to serve not only as a formidable advocate in litigation, but also as an effective negotiator and consensus builder when swift action or settlement is preferred.

Included among the premier attorneys listed in the Privacy and Data Security, Marketing and Advertising, and Cyber Law sections of the *U.S. Legal 500*, noted as a Recognized Practitioner in *Chambers* New Jersey Litigation sector, and listed among New Jersey's *Super Lawyers*, Lauri is dedicated to winning for her clients.

A frequent commentator on national television regarding a variety of legal issues, Lauri speaks and writes extensively on the risks and liabilities in the consumer products industry.

## **Experience**

### **Consumer Class Actions**

Defending numerous clients in putative class actions alleging claims under the TCPA. Most recently, Lauri won summary judgment in a multi-district TCPA class action in federal court, which addressed the substantive law regarding TCPA third-party liability claims.

Representing a major satellite communications provider in a case brought in the United States District Court for the Central District of Illinois on behalf of the Federal Trade Commission and several state attorneys general alleging violations of the Telemarketing Sales Rule, the TCPA and various state claims.

Obtained full dismissal with prejudice of consumer class action claims alleging deceptive pricing by major national retailer. In 2017, the First Circuit affirmed the dismissal of the suit.

Obtained dismissal with prejudice of all class claims in consumer class action alleging deceptive pricing by emerging online retailer with a multibillion-dollar valuation.

Represented a major wireless carrier in a nationwide class action in the United States District Court for the District of New Jersey. The case settled numerous pending cases around the country and included an All Writs Act injunction staying certain of those pending cases.

Obtained full dismissal with prejudice of consumer class action claims alleging deceptive pricing by major national retailer.

Obtained pre-discovery dismissal of a putative class action brought against a retailer under New Jersey's Truth-in-Consumer Contract, Warranty and Notice Act.

Represented a cosmetic consumer product manufacturer in a class action lawsuit. The suit claimed that the company's marketing was misleading and asserted claims of unjust enrichment, breach of contract and violation of the New Jersey Consumer Fraud Act. Negotiated a favorable settlement, which was upheld during a fairness hearing over a vehement challenge by an objector.

Represents one of the nation's leading wireless carriers in various class action suits alleging consumer fraud claims.

Represented a defendant in a class action pending in the United States District Court for the Northern District of Illinois by a consumer under the Illinois Consumer Fraud law. Obtained a dismissal that was affirmed by the Seventh Circuit; certiorari was denied by the U.S. Supreme Court.

Represented a defendant in a Washington state court consumer fraud class action. Obtained an emergency stay pending the appeal of an order authorizing a class notice; the case settled on favorable terms for the client.

Obtained a denial of class certification in a consumer class action brought in Illinois state court.

Represented a defendant in numerous class action matters brought by consumers under state and federal consumer fraud laws, including a current matter involving a multi-district litigation (MDL) in the United States District Court for the District of Nevada over allegedly improper sales practices. Obtained dismissal of all cases in the MDL, as well as obtaining an opinion from the Court of Appeals for the Ninth Circuit upholding the dismissal of the vast majority of the claims.

Represented a magazine subscriptions services company in a putative class action alleging consumer fraud, breach of contract, fraud and unjust enrichment, defeating the class certification motion.

Represented one of the nation's leading diagnostic laboratory testing providers in a putative class action alleging negligence, consumer fraud and common law fraud, and obtained a pre-answer dismissal of the plaintiffs' claims.

### **Commercial Litigation**

Represented numerous telecommunications carriers in litigations throughout the United States involving national and international telecommunications issues.

Represented a major wireless carrier in a case brought by the Minnesota Attorney General regarding sales and marketing practices. The case was resolved via settlement.

Handled numerous civil investigative demands made by various state attorneys general.

Represented a commercial landlord in multimillion-dollar lease litigation, including in a trial that resulted in the piercing of the veil of a limited liability company and its guarantor to impose personal liability on two shareholders.

Represented a national retailer/tenant as lease assignor in multiple lease default cases.

Represented a public corporation in a federal court action and obtained summary judgment dismissing the plaintiff's wrongful discharge and discrimination claims. Successfully defended our client on appeal to the U.S. Court of Appeals for the Third Circuit.

Represented a major manufacturer of medical devices in employment discrimination suits brought in the United States District Court for the District of New Jersey. Obtained summary judgment dismissing all of the plaintiffs' claims in both actions and prevailed on an appeal to the Third Circuit.

## Honors and Awards

Lauri was selected for inclusion in 2017-2018 as a leading practitioner in the Litigation: General Commercial area by *Chambers USA*. A description of the selection methodology can be found at [www.chambersandpartners.com/methodology](http://www.chambersandpartners.com/methodology).

In 2014, Lauri was listed in the Data Protection and Privacy and the Marketing and Advertising areas, 2017-2018 in the Product Liability, Mass Tort and Class Action: Consumer Products area, and 2018 in the Cyber Law area by *US Legal 500*, a Legalease Publication. A description of the selection methodology can be found at [www.legal500.com/assets/pages/about-us/how-it-works.html#rank](http://www.legal500.com/assets/pages/about-us/how-it-works.html#rank).

She was selected for inclusion in the 2006–2014 New Jersey *Super Lawyers*' Rising Stars lists, issued by Thomson Reuters. A description of the selection methodology can be found at [www.superlawyers.com/about/selection\\_process.html](http://www.superlawyers.com/about/selection_process.html).

Lauri was also selected in 2009 for inclusion in the *New Jersey Law Journal*'s "40 Under 40" list. A description of the selection methodology can be found at [www.njlawjournal.com/id=1202432890579/40-Under-40?slreturn=20160502095302](http://www.njlawjournal.com/id=1202432890579/40-Under-40?slreturn=20160502095302).

*No aspect of these advertisements have been approved by the Supreme Court of New Jersey.*

## Professional Activities

*New Jersey Law Journal* Young Lawyers Advisory Board (2014–2016), past chair

## Community Activities

1,000 Women for Mentoring

## TV Appearances

Fox News Interview Regarding Poor Company Reviews, May 8, 2014.

Fox News Interview Regarding the Campaign to "Ban Bossy," March 11, 2014.

Fox News Interview Regarding the Legal Liability Involving Fight at MetLife Stadium, October 21, 2013.

Fox News Interview Regarding the Legality of Restaurants Placing Bans on Kids, August 14, 2013.

Fox News Interview Regarding the Obama Administration's Decision to Delay Key Components of the Affordable Care Act, July 9, 2013.

## Publications

"How Your Call Records Can Help Your TCPA Defense," *Law360*, July 25, 2018.

"Telephone Consumer Protection Act," chapter in *Business and Commercial Litigation in Federal Courts* (4th Ed.), December 2016, co-author.

"TCPA Litigation: Key Issues and Considerations Update," *Practical Law The Journal | Litigation*, February 2016, co-author.

“Dial M for Murderous Liability: Maximize TCPA Compliance to Minimize Potentially Devastating Consequences,” *Metropolitan Corporate Counsel*, October 19, 2015, co-author.

“TCPA Litigation: Key Issues and Considerations,” *Practical Law The Journal | Litigation*, June/July 2015 and July/August, 2015, co-author.

“A Q&A Guide to the Statutes of Limitation in New Jersey for Several Commercial Claims,” *Practical Law Company*, March 31, 2015, co-author.

“FCC Opens The Door To Vicarious Liability For Third-Party Telemarketing Under Certain Conditions,” *The Metropolitan Corporate Counsel*, July/August 2013, co-author.

“New Jersey Statute of Limitations Checklist,” *Practical Law Company*, August 12, 2011.

“Judicial Attention to Electronic Discovery Heats Up,” *Metropolitan Corporate Counsel*, September 2003, co-author.

## **Client Advisories**

“TCPA FCC Petitions Tracker,” November 12, 2018.

“Who’s Still “Standing” Following *Spokeo, Inc. v. Robins?*,” June 27, 2016.

“Supreme Court Rules That Offer of Judgment Does Not Moot Class Action Lawsuit,” January 21, 2016.

“A First Look at the FCC’s 2015 TCPA Declaratory Ruling and Order,” July 13, 2015.

“FCC Plans Significant TCPA Rulings That Will Expand and Modify Compliance Obligations,” June 1, 2015.

“FCC Issues TCPA Rule Clarifications Related to Package Delivery Notifications and Text-Based Social Networking Applications,” April 3, 2014.

“DC Circuit Court Holds that FCC Guidance on Agency Law in TCPA Cases Is Not Binding on Courts,” January 23, 2014.

“FCC Opens the Door to Vicarious Liability for Third-Party Telemarketing Under Certain Conditions,” May 15, 2013.

“Prepayment Premiums Collectable Upon Loan Acceleration: Kelley Drye Obtains Precedent Setting Ruling For Commercial Lenders,” September 9, 2003.

## **Speaking Engagements**

“Tart and Bittersweet: Consumer Protection Litigation from Both Sides,” Advertising and Privacy Law Summit, Washington, D.C., May 3, 2018.

“Assessing the D.C. Circuit's TCPA Decision,” Webinar, April 3, 2018.

“How to Avoid Lawyers and Other Problems (TCPA, etc.),” LeadsCon Conference, Las Vegas, NV, March 7, 2018.



"TCPA Outlook for 2017," Webinar, May 25, 2017.

"The Outlook for TCPA," The First 100 Days Seminar, Washington, D.C., May 3, 2017.

"TCPA / Fair Credit Reporting Act/ Debt Collection Issues," PLI's 22nd Annual Consumer Financial Services Institute, New York, NY, March 28, 2017.

"FCC/TCPA Regulatory Compliance," Professional Association for Customer Engagement Workshop, Newark, NJ, October 20, 2016.

"The FCC's New TCPA Rulings," PLI 21st Annual Consumer Financial Services Institute, Chicago, IL, May 13, 2016 and New York, NY, April 5, 2016.

"A Brave New TCPA World," PACE Conference on Risk Avoidance & Breach Strategies in a Privacy-centric World, Washington, D.C., September 28, 2015.

"The TCPA Thicket: Making Sense of the FCC's Latest Ruling," Webinar, July 17, 2015.

"The TCPA Thicket: Have We Seen the Worst Yet?," 2015 Advertising and Privacy Law Summit, Washington, D.C., June 11, 2015.

"Strategies for Avoiding Big Privacy 'Don'ts' with Personal Data," Strata + Hadoop World: Make Data Work, San Jose, CA, February 19, 2015.

"Consumer Protection Hot Topics," October 30, 2014.

"TCPA Class Action Lawsuits," 2014 PACE Leadership Summit, Washington, D.C., October 20, 2014.

"Call Me Maybe? Key TCPA Developments," Kelley Drye Webinar, October 1, 2014.

"ALL I DID WAS SEND A TEXT!" Commercial Electronic Messages on the New Media World: The Telecommunications Privacy Act and New Canadian Anti-Spam Legislation," WESFACCA, July 31, 2014.

"FCC's New Consent Rules for Text and Voice Telemarketing," Law Seminars International, Webinar, January 15, 2014.

"Advertising and Privacy Law Summit: New Technology, New Practices and the Changing Law," Kelley Drye Seminar, Washington, D.C., June 27, 2013.

"Privacy Law Symposium: Enforcement, Litigation and Risk Management," Kelley Drye Seminar, Los Angeles, CA, April 23, 2012.