

WILSON TURNER KOSMO

LLP

KIRSTEN F. GALLACHER

Senior Associate

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PRACTICE AREAS

- > Business Litigation
- > Class Actions
- > Employment

ADMISSIONS

- > California
- > Texas

Kirsten F. Gallacher is a member of the firm's Class Action and Employment Law practice groups. Her practice focuses on defending clients in putative class action matters involving claims under Telephone Consumer Protection Act (TCPA), Karnette Rental Purchase Act, California's Consumer Legal Remedies Act (CLRA), Unfair Competition Law (Business & Professions Code section 17200), and Song-Beverly Consumer Warranty Act. She also represents clients in employment putative class actions involving claims of alleged wage and hour violations as well as claims brought under California's Private Attorneys General Act (PAGA).

Kirsten began her legal career as a judicial law clerk to the Honorable Michael M. Anello, United States District Judge for the Southern District of California, and to the Honorable Barry Ted Moskowitz, Chief United States District Judge for the Southern District of California. Prior to joining Wilson Turner Kosmo, she was an associate at Pillsbury Winthrop Shaw Pittman LLP. Kirsten has also taught appellate advocacy as an Adjunct Professor at the University of San Diego School of Law. She is a member University of San Diego School of Law Alumni Association Board of Directors and the SDVLP's Women and Families Resource Fair Task Force. She also serves as a Big Sister for Big Brothers Big Sisters of San Diego County.

Kirsten received her B.A., honors with great distinction, from McGill University. She received her J.D., cum laude, from the University of San Diego School of Law, where she was elected to the Order of the Coif, served as a Comments Editor of the San Diego Law Review and a member of the Appellate Moot Court Board, and received the CALI Excellence for the Future Award for Advanced Chapter 11 Bankruptcy.

EDUCATION

Law School

- > University of San Diego, School of Law, J.D. 2012
 - *Cum laude*
 - Order of the Coif
 - CALI Excellence for the Future Award
 - San Diego Law Review, Comment Editor

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- Appellate Moot Court Executive Board, National Team Competitor

Undergraduate

- > McGill University, B.A. 2008
 - Honors with Great Distinction

MEMBERSHIPS

- > Federal Bar Association, San Diego Chapter, Women in the Law Conference, Co-Chair (2017)
- > USD School of Law Alumni Board Member (May 2016 – present)
- > Big Brothers Big Sisters of San Diego County, Volunteer Big Sister (2015 – present)
- > Lawyers Club, Member (2009 – present)
- > SDVLP Women and Families Resource Fair Task Force, Registration & Volunteers Chair (2015–18)
- > Former Adjunct Professor at USD School of Law
- > American Inns of Court, Louis M. Welsh Chapter, Associate (2014–2016) & Barrister (2018–2019)

SPEECHES & PUBLICATIONS

- > Co-Presenter, “PAGA Claims: What are Plaintiffs’ Counsel Looking for in Your Wage Statements and Workplace Policies?”, Association of Corporate Counsel – San Diego (November 12, 2020)
- > *Calif. Ruling Clears Up Pay Stub Rules For Company Names*, Law360 (Jan. 17, 2020)
- > *The Ninth Circuit Finds It’s OK if Class Evidence Is Inadmissible*, WTK Connect
- > *The Ninth Circuit’s Decision Not to Rehear Panel’s Decision That Evidence Need Not Be Admissible At Class Certification, Gives Rise to a Fiery Dissent Criticizing the Decision*, WTK Connect
- > *Central District Of California’s Local Rule 23-3 Remains In Current Version Of Local Rules Despite The Ninth Circuit’s Explicit Rejection Of Bright-Line Rule*, WTK Connect
- > *The Sixth Circuit Limits Third-Party Liability for Junk Faxes*, WTK Connect
- > *The Supreme Court Will Address Whether District Courts Are Required to Accept the FCC’s Legal Interpretation of the TCPA, Which Will Likely Have Huge Ramifications on TCPA Litigation*, WTK Connect
- > *District Court Holds Text Messages Sent As Part Of Ongoing Business Transaction With The Plaintiff Are Not Advertising Or Telemarketing Under The TCPA*, WTK Connect

REPRESENTATIVE MATTERS

- > Obtained summary judgment for a fitness company on the plaintiff’s premises liability claims on the basis that the plaintiff signed a valid and enforceable release barring her claims under assumption of the risk doctrine.
- > Obtained summary judgment for an automotive manufacturer in a product liability action on the basis that there was (1) no evidence that the subject vehicle was defective and (2) no evidence that the alleged defects caused the plaintiff’s injuries.
- > Successfully opposed certification of a putative class against allegations of junk fax violations under the Telephone Consumer Protection Act
- > Motion to dismiss granted, obtaining dismissal of claims for harassment, breach of contract, and wrongful termination
- > Successfully defended national vehicle manufacturer in putative class action by securing dismissal of class allegations at early stages of the case and obtaining favorable resolution
- > Successfully defended client in putative class action alleging violations of the Consumers Legal Remedies Act, Song Beverly Consumer Warranty Act, Magnuson Moss Warranty Act, and unlawful, unfair, fraudulent business acts and/or practices.
- > Defended national retailer against claims for violations of various California consumer protection statutes and usury laws
- > Represent clients in wage and hour putative class actions and representative matters under the Private Attorneys General Act (PAGA) involving claims for failure to provide meal and/or rest periods, wage

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statement violations, failure to reimburse for expenses, among others

HONORS & RECOGNITION

- > Finalist, San Diego Business Journal 's 40 Next Top Business Leaders Under Forty 2021