

WILSON TURNER KOSMO

LLP



MERYL C. MANEKER

Partner

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PRACTICE AREAS

- > Business Litigation
- > Class Actions
- > Employment
- > Product Liability

ADMISSIONS

- > California
- > Georgia
- > New York
- > Virginia

Meryl C. Maneker is a partner at WTK where her practice is concentrated on the defense of class actions, primarily in the fields of employment and consumer protection. Ms. Maneker has represented large and small employers from a broad spectrum of industries in a wide range of wage and hour class actions in state and federal courts, including those alleging misclassification, lack of expense reimbursement, improper piece rate pay plans, failure to provide meal breaks and/or rest periods, lack of suitable seats, and off the clock work. In addition to class actions, Ms. Maneker has defended employers in representative actions brought under California's Labor Code Private Attorneys General Act of 2004 ("PAGA") and collective actions brought under the federal Fair Labor Standards Act ("FLSA").

In the consumer protection context, Ms. Maneker has defended numerous claims brought under California's Consumer Legal Remedies Act ("CLRA") and the state's Unfair Competition Law, Business & Professions Code section 17200, including cases that have challenged the use of the term "All Natural" on food product labels and representations regarding the performance of homeopathic remedies. In addition, Ms. Maneker has defended manufacturers against claims of selling automobiles that fail to conform to express or implied warranties and claims of improper designation of products as "Made in the USA" as well as retailers against claims of improper collection of sales tax and the inclusion of unlawful terms on gift cards. Ms. Maneker also has extensive experience defending corporations against claims brought under the federal Telephone Consumer Protection Act ("TCPA"), including cases alleging use of artificial or prerecorded voice messages and automated telephone dialing systems and calls to numbers on the National Do Not Call Registry.

Ms. Maneker received her A.B. in history from Brown University and her J.D., *cum laude*, from New York University School of Law. She has been named a San Diego *Super Lawyer* for class action practice in 2013-2016 and 2019-2021. Ms. Maneker is also an active member of the San Diego legal community and has served as president of the San Diego Chapter of the Federal Bar Association, on the Board of Directors of Lawyers Club of San Diego, and as co-chair of the Lawyer Representative Committee to the U.S. District Court for the Southern District of California.

EDUCATION

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Law School

- > New York University, School of Law, JD 1988
 - *cum laude*, 1988
 - Selected for Membership, Order of the Coif
 - Articles Editor, *Review of Law and Social Change*

Undergraduate

- > Brown University, AB History 1983
 - Member, National Service Advisory Committee
 - Delegate, United States Air Force Academy Assembly
 - Editor, *PEMBROKE: A Journal of Feminist Studies*

MEMBERSHIPS

- > San Diego Volunteer Lawyer Program
 - Board of Directors (2017-present)
- > State Bar of California
 - Committee on Federal Courts, Section on Litigation, Member (2016-2018)
- > Lawyers Club of San Diego
 - Chair, Judicial Endorsements Committee (2013-2016)
 - Member, Board of Directors (2008-2011)
 - Treasurer (2008-2010)
 - Co-Chair, Membership Development Committee (2007-2008)
- > ABA Immigration Law Project
 - Member, Advisory Board (2014-2016)
- > U.S. District Court for the Southern District of California
 - Lawyer Representative (2008-2011)
 - Co-Chair, Lawyer Representative Committee (2009-2011)
- > Federal Bar Association
 - Member, Government Relations Committee (2005-2008)
 - FBA Designee, Merit Selection Committee, Southern District Bankruptcy Judge Position (2007)
 - President, San Diego Chapter (2004, 2005)
- > American Law Institute
 - Member, Members Consultative Group, Principles of the Law of Aggregate Litigation
- > American Inns of Court, Louis M. Welsh Chapter
 - Master (2016-present)
 - Barrister (2001-2003)
- > San Diego County Bar Association
 - Member, Leadership Outreach Committee (2008)

SPEECHES & PUBLICATIONS

- > Panelist, "Her Place At The Bargaining Table- The View From The Legal Profession" Thomas Jefferson School of Law, Women and The Law Conference (February 9, 2018)
- > Moderator, "2017 Class Action Update: Recent Developments and Upcoming Issues" Webinar, Litigation Section, State Bar of California (September 2017)
- > Speaker, "New Labor and Employment Laws for 2015," Labor & Employment Section, San Diego County Bar Association (December 2014)
- > Contributor, "Both Sides Of The Bar: Will *Gentry* Survive *Concepcion*? A Discussion With Two Prominent Practitioners Regarding How The California Supreme Court May Answer This And Related Questions," (*Bender's California Labor & Employment Bulletin*, May 2013)

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- > Co-Author, "Cosmetics and Beauty Product Litigation" *The Practical Lawyer* (ALI CLE) (February 2013)
- > Panelist, "How Big Data Affects eDiscovery," National Convention, Federal Bar Association (September 21, 2012)
- > Author, "Litigating Wage and Hour Cases: Defendants' Perspective" and Co-Author, "Mediating Wage and Hour Disputes," *California Wage and Hour Law and Litigation* (Continuing Education of the Bar) (2010)
- > Panelist, "Class Communications and Notice" and "Settlement Pitfalls," Second Annual Class Action Symposium, Consumer Attorneys of San Diego (October 23-24, 2009)
- > Co-Author, "Emerging Issues In Cosmetics and Other Beauty Product Litigation," *Product Liability Law: Current Law, Strategies and Best Practices* (Practising Law Institute) (2009)
- > Co-Author, "Women- and Minority-Owned Law Firms: Diversity From The Top Down," *For The Defense* (Defense Research Institute) (July 2008)
- > Panelist, "CAFA and The Federalizing of Class Actions," Class Action & UCL Conference, Bridgeport Seminars (August 4, 2006)
- > Panelist, "Employment Class Actions: Tips for Bringing and Opposing Class Certification Motions," Labor and Employment Law Section of the San Diego County Bar Association (July 26, 2006)
- > Panelist, "Inaugural Judith N. Keep Federal Civil Practice Seminar," San Diego Chapter of the Federal Bar Association (September 23, 2005)
- > Panelist, "Federal Civil Litigation in California," Lorman Education Services (July 21, 2005)
- > Panelist, "Changes In Class Action Practice Under Rule 23: What You Need to Know," San Diego Chapter of the Federal Bar Association (November 13, 2003)
- > Author, "Defending The No-Injury Product Liability Class Action," *The Practical Litigator* (ALI-ABA) (May 2003)
- > Author, "Deceptive Trade Practices Or Deceptive Litigation Practices?," *Defense Practice Seminar Course Book* (Drug and Medical Device Litigation, Defense Research Institute) (April 1999)

REPRESENTATIVE MATTERS

Employment

- > negotiated numerous favorable settlements of wage and hour class actions and PAGA representative actions asserting claims of misclassification, failure to provide meal and/or rest breaks, off the clock work, failure to reimburse for expenses such as mileage and uniforms, and improper use of piece rate pay plans, among others
- > represented national retailer in putative statewide class action seeking penalties for alleged failure to provide seats for cashiers working in more than 200 stores in California
- > successfully opposed certification of a putative statewide class of more than 15,000 hourly, non-exempt employees claiming failure to provide meal periods and rest breaks in more than 150 California stores of national retailer
- > obtained dismissal of putative collective action brought under the Fair Labor Standards Act on grounds that plaintiff had not adequately plead facts to bring claim that managerial employees of national retailer were misclassified within the applicable limitations period
- > obtained dismissal of putative class action brought on behalf of applicants for employment with major pharmaceutical company claiming use of medical history form in job application process constituted fraud and invasion of privacy; dismissal affirmed by the U.S. Court of Appeals for the Ninth Circuit
- > successfully defended major pharmaceutical company in non-jury trial of age discrimination and retaliation claim brought by former sales representative; judgment affirmed by the U.S. Court of Appeals for the Ninth Circuit

Consumer Protection Claims

- > successfully moved for creation of federal multidistrict litigation docket (MDL) and served as co-lead counsel for national alarm monitoring company in MDL comprised of more than two dozen individual cases and putative class actions alleging violations of the Telephone Consumer Protection Act (TCPA) provisions governing calls to numbers listed on the national Do Not Call Registry and the use of artificial or prerecorded

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- voices and automatic telephone dialing systems (ATDS)
- > negotiated favorable settlements on behalf of manufacturers and distributors of products in putative class actions challenging advertising and packaging representations regarding the effectiveness of products and designation as "Made in U.S.A."
- > obtained dismissal of putative statewide class action challenging use of "All Natural" on nationally-marketed beverage which contained high fructose corn syrup
- > obtained dismissal of putative statewide class action challenging national retailer's practice regarding collection of sales tax on discounted merchandise

HONORS & RECOGNITION

- > Named on *SD Business Journal's* Women of Influence in Law (2021)
- > Named by *San Diego Metro* as one of San Diego's Top Attorneys (2019)
- > Named San Diego Mass Tort Litigation/Class Actions - Defendants "Lawyer of the Year" in *Best Lawyers in America* (2021)
- > Included in *The Best Lawyers in America* for Mass Tort Litigation/Class Actions - Defendants (2018-2022)
- > "AV" Preeminent Rating from Martindale-Hubbell
- > Listed in *San Diego Super Lawyers®*, Class Action/Mass Torts (2013-2016, 2019-2021)
- > YWCA's 2008 Tribute to Women and Industry (TWIN) Award - Recipient