



Robert D. Phillips, Jr.

Partner

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Related Services

Litigation ■ Financial Services Litigation ■ Class Action & Multidistrict Litigation ■ Insurance ■ Products Liability ■ Insurance Litigation & Regulation ■ Insurance Regulatory Guidance ■ Insurance-Related Antitrust Defense ■ FDA/Food, Drug & Device ■ Policyholder Class Action Defense ■ High Exposure Claims, Coverage & Bad Faith Defense ■ Policy Drafting and Product Development

Robert D. Phillips, Jr., is a business litigator with decades of experience assisting numerous companies in high-stakes class actions and other litigation related to unfair competition, false advertising, privacy issues, product liability, labor and employment, life insurance, financial services, trade secret litigation, and food labeling.

Bo's counsel extends to litigation involving financial products, consumer products, life insurance and annuity sales, advertising and labeling cases against manufacturers and retailers, employment issues, antitrust, and product liability.

In addition to serving clients throughout California, Bo serves as lead counsel in national class actions in jurisdictions across the country and has won numerous cases in state, federal, and appellate courts. Bo is recognized by *The Best Lawyers in America*® and has been named a "Client Service All-Star" by BTI Consulting Group.

Representative Experience

- Represented life insurance companies in California class actions involving the sale of 403(b) (tax-sheltered) annuities.
- Defended a life insurance company in a nationwide class action litigation alleging the client breach the terms of its universal life policies by failing to reduce cost of insurance rates.
- Defended a life insurance company against claims for violation of California consumer protection laws.
- Won a dismissal of a nationwide class action alleging violations of civil RICO state and consumer protection statutes under the laws of four states, and state law fraud claims.
- Won a Ninth Circuit appeal of a favorable summary judgment in a national class action involving an index annuity matter.
- Won a six-week jury trial regarding an annuity suitability and financial advice case in Orange County, CA.
- Defeated class certification in a national class action involving index annuity sales and performance.
- Secured dismissal of a false advertising and labeling class action involving protein supplements in New York federal court.
- Won summary judgment in an annuity class action alleging noncompliance with disclosure statutes.
- Won summary judgment in a national class action involving cost of insurance charges in universal life policies; affirmed on appeal in the Seventh Circuit.
- Won a directed verdict in a financial elder abuse jury trial.

- Won dismissal of a dietary supplement class action involving false advertising claims.
- Defended an advertising class action involving athletic apparel.
- Defeated class certification in a nationwide mortgage lending class action.

Publications & Presentations

Publications

- *A Practitioner's Guide to Class Actions*, 3rd ed., American Bar Association, November 2021.
- "Courts Are More Rigorously Scrutinizing Class Settlements," *Law360*, June 28, 2019.
- "Clearing the Hurdle: Classwide Proof in False Advertising Class Action Claims," *Daily Journal*, June 12, 2019.
- "Decisions Push Life Insurance Class Actions into State Court," *Daily Journal*, May 19, 2017.
- "Ethical Issues in Class Action Settlements," in *A Practitioner's Guide to Class Actions*, 2nd Ed., American Bar Association, 2017.
- "Jurisdictional Survey of Local Requirements Governing Class Actions: California," in *A Practitioner's Guide to Class Actions*, 2nd Ed., American Bar Association, 2017.

Presentations

- "Life and Annuity Class Actions Update," ALIC - 2022 Regional Roundtable, Washington, D.C., October 25, 2022.
- "Classwide Damages Models in Misleading and False Advertising Consumer Class Actions," Strafford, webinar, August 25, 2022.
- "Litigation Update," Compliance & Legal Sections Annual Virtual Meeting 2020, December 8 - 9, 2020.
- "Examining the Ethical Duties of Class Counsel," Q4 Ethics 2020, December 3, 2020.
- "Class Action Litigation: Avoiding Legal Ethics Violations and Malpractice Liability," webinar, Strafford, January 22, 2020.
- "Life Insurance Law Update," 46th Annual TIPS Mid-Winter Symposium on Insurance and Employee Benefits, Austin, TX, January 16-18, 2020.
- 2020 Consumer Class Action Litigation Conference, Bridgeport Continuing Education, co-chair, Costa Mesa, CA, January 10, 2020.
- "Food and Beverage Class Actions: Litigating False Advertising, Labeling, Slack-Fill Packaging or Food Safety Claims," webinar, Strafford, July 10, 2019.
- "Classwide Damage Models in Misleading and False Advertising Consumer Class Actions," webinar, Strafford, May 23, 2019.

Professional & Community Engagement

- American Bar Association
- Los Angeles County Bar Association
- Bar Association of San Francisco
- American Bar Association, Life Insurance Law Committee, former chair
- American Bar Association, Business Litigation Committee

- American Counsel Association
- Federation of Defense and Corporate Counsel
- Defense Research Institute (DRI)

Education

- Duke University (J.D., 1978)
- Davidson College (B.A., 1974)

Admitted to Practice

- California