



Rachel Lowe

Partner

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Related Services

Litigation ■ Class Action & Multidistrict Litigation ■ Insurance Litigation & Regulation ■ Food, Beverage & Agribusiness ■ Perfluoroalkyl & Polyfluoroalkyl Substances (PFAS) ■ Environmental, Social & Governance (ESG) ■ California Privacy & the CCPA

Rachel Lowe is a litigator who represents clients in a variety of industries, including the food and beverage and retail industries, in class actions and other complex commercial disputes. She is a member of Alston & Bird's Chambers-rated Food, Beverage & Agribusiness Team and works hand-in-hand with regulatory counsel to advise industry-leading food producers, distributors, and retailers facing litigation and investigations. Rachel is also a member of the firm's Privacy, Cyber & Data Strategy Team and counsels and defends companies facing California Consumer Privacy Act (CCPA) and other privacy-related claims. Rachel also has experience representing clients in product litigation, trademark, and employment matters.

In 2021, Rachel was recognized as one of the "Most Influential Women Lawyers" in Los Angeles by the *Los Angeles Business Journal*. She was also honored by JD Supra with a 2021 "Readers' Choice Award" for her insights and commentary on legal issues. Rachel was named a "Rising Star" by *Southern California Super Lawyers* magazine from 2013-2016.

During law school, she served as a judicial extern to the Honorable Stephen Reinhardt of the U.S. Court of Appeals for the Ninth Circuit. Rachel's pro bono work includes volunteering with the Inner City Law Center and National Lawyers Guild.

Representative Experience

Commercial Litigation

- Defended an arbitration on behalf of a leading beverage manufacturer. Defeated supplier claims demanding over \$30 million in damages and secured a \$2 million arbitral award from AAA in favor of her client.
- Second-chaired a trial in a complex real estate dispute on behalf of a plaintiff that led to securing complete relief in a settlement reached immediately after the close of the plaintiff's case in Los Angeles Superior Court.
- Won summary judgment in multiple actions on behalf of insurance companies and real estate investor groups in complex disputes alleging fraud and breach of contract.
- Defeated a preliminary injunction and obtained attorneys' fees after a trade secrets temporary restraining order was granted on behalf of a consulting company.
- Obtained the dismissal of claims at the pleadings stage in numerous separate actions against a national consulting firm, transportation firm, and accounting firm.

Class Action Litigation

- Defending retailers in class actions alleging data breach and violations of the CCPA.

- Represented numerous food, beverage, supplement, and consumer goods companies in class actions alleging violations of California's and other states' consumer laws.
- Obtained summary judgment, dismissal, and decertification orders in numerous false advertising class actions in California state and federal courts.
- Obtained summary judgment and demurrer orders in favor of a beverage manufacturer's "No Added Sugar" product labeling.
- Defeated certification of a nationwide class and all but two individual state classes in a class action pending against a food manufacturer, and won summary judgment on preemption grounds.
- Secured dismissal with prejudice of a class action against a national consumer marketing company, which was upheld by the Ninth Circuit Court of Appeals.
- Obtained the dismissal of unfair competition and other putative class claims on behalf of a nationwide homebuilder at the pleading stage, which was upheld by the Ninth Circuit Court of Appeals.
- Defeated class certification in three separate class actions against a national insurance company, including affirmation of one ruling denying certification.
- Defeated class certification of harassment and discrimination claims on behalf of a port terminal company.
- Defeated class certification on behalf of a property management company in a wage-and-hour dispute.
- Defended and obtained a successful resolution of a putative class action alleging violations of the CA Automatic Renewal Law, EFTA, and UCL.
- Counseled numerous clients on compliance matters, including FDCA labeling concerns, automatic renewal laws, and privacy laws.

Publications & Presentations

Publications

- "All You Need to Know about Bioengineered Food Disclosure Compliance," *New Food Magazine*, June 9, 2021.
- "Bioengineered Food Disclosure Compliance: Practitioners' Perspective on What Lies Ahead," *Drake Journal of Agricultural Law*, Vol. 26, No. 1, Spring 2021.
- "The Approaching Bioengineered Food Disclosure Deadline: Enforcement and Litigation Landscape After January 1, 2022," *Food and Drug Law Institute*, Spring 2021.
- "Defining Healthy Menus – What Restaurants Need to Know," *Modern Restaurant Management*, February 26, 2020.
- "How Food Labeling Can Ensure a Healthy Start for 2020," *Food Safety Magazine*, January 7, 2020.
- "Breaking Down Bioengineered Foods' New Disclosure Standard," *Winsight Grocery Business*, March 29, 2019.

Presentations

- "Navigating the Legal Minefield of Sustainable & Environmental Market Claims," FoodNavigator USA: Futureproofing the Food System Digital Summit, webinar, November 16, 2023.
- "Sustainability & Environmental Marketing Claims," Food Label Seminars 2023, webinar, October 26, 2023.
- "Sustainability & Environmental Marketing Claims," 34th Annual Food Label Conference, Washington, D.C., June 4-7, 2023.

- “Classwide Damages Models in Misleading and False Advertising Consumer Class Actions,” Strafford, webinar, August 25, 2022.
- “National Bioengineered Food Disclosure Standard – Six Month Check-In,” American Agricultural Law Association, webinar, August 4, 2022.
- “Bioengineered Labeling: Updates and Enforcement Priorities,” 33rd Annual Food Label Conference, webinar, June 7-8, 2021.

Professional & Community Engagement

- Los Angeles County Bar Association
- Constitutional Rights Foundation, board of directors

Education

- University of Southern California (J.D., 2006)
- University of Arizona (B.A., 2001)

Admitted to Practice

- California