



## Krysta Kauble Pachman

Partner

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### Overview

Krysta Pachman represents plaintiffs and defendants in high-stakes commercial litigation, including class actions, patent cases, trademark & copyright matters, and other disputes. Ms. Pachman has a track record of obtaining trial wins, favorable settlements and arbitration victories for her clients, who range from small businesses and individuals to Fortune 500 companies.

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*“Krysta absorbed a lot of technical information, digested it, and helped the team understand the challenges with our case. [She] developed and recommended strategies and stood [her] ground when the other side and their expert tried to bully [her]. Krysta’s professionalism and skill was essential to the outcome we received from the panel.”*

**Denise M. Buffington, Director, Federal Regulatory Affairs & Corporate Counsel, Kansas City Power & Light Company**

In 2021 Ms. Pachman was appointed to serve as co-lead counsel in the Blackbaud Data Breach Class Action. She will lead a class action brought over a data breach involving cloud management software firm Blackbaud. Ms. Pachman represents a class of plaintiffs who are suing Blackbaud for negligence, as well as violations of California’s Consumer Privacy Act and other state law statutes. The leadership team is being hailed as ‘most diverse leadership team ever’ in data breach class action.

In the landmark copyright action, *Ferrick, et al. v. Spotify USA*, Ms. Pachman was an integral part of a trial team that secured a settlement valued at more than \$100 million dollars, including a \$43.45 million cash settlement fund and an agreement to pay future royalties to settle a class-action lawsuit with

Spotify brought on behalf of music copyright owners. This case made national news, receiving press from [\*Billboard\*](#), [\*Forbes\*](#), and [\*Reuters\*](#).

Ms. Pachman was also part of a team that secured a \$40 million settlement for a class of derivatives traders in *Timber Hill v. Pershing Square Capital Management, L.P., et al.* Timber Hill alleged Defendants violated federal securities laws through their illicit insider trading and front-running scheme that damaged Timber Hill and other investors by artificially deflating the value of options and equity forwards traded by Timber Hill and Class Members. This is the largest ever stand-alone options settlement and the largest ever Section 20A options settlement.

Ms. Pachman played a key role in *Schulein, et al. v. Petroleum Development Corp.*, representing a class of more than 7,000 limited partners who invested in 12 oil and gas limited partnerships, who alleged the defendants made false and misleading statements and omitted material information regarding the value of the assets held by the partnerships in proxy statements used to solicit votes in favor of mergers that caused the investors to be cashed out of their investments. Ms. Pachman took key depositions, wrote the opposition to defendants' motion for summary judgment, and wrote the successful opposition to defendants' motion to decertify the class. The case was settled for \$37.5 million in March 2015, with the class receiving approximately \$24 million.

Ms. Pachman also represented Kansas City Power & Light Company (KCPL) in a high-stakes renewable energy arbitration. During arbitration she delivered the opening statement, cross-examined the other side's expert, presented fact and expert witnesses, handled depositions, managed expert reports, and wrote the pre-and post-hearing briefs. The panel unanimously ruled in KCPL's favor.

Ms. Pachman currently serves as counsel for one of the largest-ever certified consumer classes, which encompasses nearly all U.S. cellular phone purchasers, all of whom have been impacted by Qualcomm's anti-competitive conduct. This complex case straddles the intersection of antitrust and technology and involves Qualcomm's monopoly in the cellular modem chip market to extract supra-competitive licensing fees on its intellectual property. Ms. Pachman briefed and successfully obtained class certification for the group – synthesizing hundreds of pages of expert analyses, voluminous fact evidence, and case law spanning complex antitrust and intellectual property issues. In 2018, the Court granted class certification in a 66-page order finding "substantial," "strong" and "compelling" evidence to support the certification. Click [here](#) for the certification order.

For these wins and more, in 2022 Pachman was recognized as a [Top Woman Lawyer in California](#) by *The Daily Journal*. In 2021, she was named a [Rising Star of the Plaintiffs Bar](#) by *National Law Journal's* Elite Trial Lawyers (ALM) and one of the [Top 40 Lawyers Under 40](#) by the Daily Journal (Daily Journal

Corp.). *The Recorder* named her a [California Trailblazer](#) in 2020 (ALM), and *Best Lawyers* called her “[One to Watch, Commercial Litigation](#)” (2021, Woodward White, Inc.).

Prior to joining Susman Godfrey, Ms. Pachman served as a Law Clerk to the Honorable Philip S. Gutierrez in the U.S. District Court for the Central District of California. She also serves on the Board of Governors for the Women Lawyers’ Association of Los Angeles and serves on the Board of the Association of Business Trial Lawyers.

## Notable Representations

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### Ongoing Matters

- ***In Re Blackbaud, Inc., Customer Data Security Breach Litigation***. Appointed co-lead counsel in this multi-district litigation, which relates to a massive data breach. Blackbaud, a cloud computing provider, maintains consumer data on behalf of thousands of non-profit corporations, hospitals, and educational institutions. The complaint alleges that Blackbaud did not maintain adequate security measures, which led to a ransomware attack. The stolen data included bank account information, social security numbers, health care data, usernames, and/or passwords.
- ***Jane Doe v. MindGeek USA Incorporated et al.*** Filed a class action against Pornhub and its parent company, MindGeek, alleging MindGeek has violated federal sex trafficking and child pornography laws by knowingly posting, enabling the posting of and profiting from thousands of pornographic videos featuring persons under the age of 18. In September 2021, the court denied Pornhub’s motion to dismiss this matter, allowing the case to move forward. [Read more](#).
- ***In re Qualcomm Antitrust Litigation***. Serve as counsel for one of the largest-ever certified consumer classes, which encompasses nearly all U.S. cellular phone purchasers, all of whom have been impacted by Qualcomm’s anti-competitive conduct. This complex case straddles the intersection of antitrust and technology and involves Qualcomm’s monopoly in the cellular modem chip market to extract supra-competitive licensing fees on its intellectual property. Ms. Pachman has played a crucial role in this matter – from taking depositions of key Qualcomm C-level executives and high-ranking Apple third-party witnesses to working with and defending the depositions of antitrust, pass through and licensing experts to representing class members in discovery. Most critically, Ms. Pachman briefed and successfully obtained class certification for the group – synthesizing hundreds of pages of expert analyses, voluminous fact evidence, and case law spanning complex antitrust and intellectual property issues. In 2018, the Court granted class certification in a 66-page order finding “substantial,” “strong” and “compelling” evidence to support the certification. Click [here](#) for the certification order.

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## Wins

- ***Timber Hill v. Pershing Square Capital Management, L.P., et al.*** Secured a \$40 million settlement for a class of derivatives traders in Timber Hill v. Pershing Square Capital Management, L.P., et al. Timber Hill alleged Defendants violated federal securities laws through their illicit insider trading and front-running scheme that damaged Timber Hill and other investors by artificially deflating the value of options and equity forwards traded by Timber Hill and Class Members. This is the largest ever stand-alone options settlement and the largest ever Section 20A options settlement.
- ***Ferrick et al. v. Spotify USA***. Secured both a \$43.45 million cash fund and an agreement to pay future royalties to settle a copyright class-action lawsuit with Spotify brought on behalf of music copyright owners. This ground-breaking case gained national media attention, receiving press from *Billboard*, *Forbes*, and *Reuters*. Fees and expenses have not yet been determined.
- ***General Motors LLC Ignition Switch Litigation***. Represented plaintiffs in this massive class action against General Motors, hundreds of suits were consolidated into a federal multidistrict litigation in New York over an ignition switch defect in GM vehicles, which causes the engine to switch off during use and disable the car's air bags. Pachman worked with a team of Susman Godfrey lawyers on the sixth personal injury bellwether case, which settled favorably on eve of trial. This case received substantial press from outlets such as *The Wall Street Journal*.
- ***Lithium Ion Batteries Antitrust Litigation***. Defended more than twenty depositions in this nationwide antitrust class action brought against the world's largest manufacturers of lithium ion batteries, which power virtually every laptop computer, cell phone, smartphone, digital music player (e.g., iPods), tablet device (e.g., iPads), digital camera and camcorder, and cordless power tool used today. The suit alleges that the defendants engaged in a long-running conspiracy over more than a decade to unlawfully fix, raise and stabilize prices of lithium ion batteries.
- ***ZiiLabs v. Apple and Samsung***. Represented ZiiLabs, a subsidiary of the Singapore-based media company Creative Technologies, Ltd. Ziilabs brought claims for patent infringement of its patents related to graphics processing technology developed originally by 3DLabs. Pachman took and defended key depositions in this matter, prepared and argued key motions in *limine*, defeated summary judgment and successfully opposed Daubert motions. The case settled on the eve of trial after Apple had taken a license.
- ***Sentius v. Microsoft***. Represented Sentius against Microsoft in a patent infringement suit involving automated database technology. Pachman handled the Daubert motions in this matter. The case settled on highly

favorable terms within 24 hours of the court issuing orders on those motions.

- **Schulein, et al. v. Petroleum Development Corp., et al.** Represented plaintiffs in this class action litigation in Santa Ana federal court on behalf of more than 7,000 limited partners who invested in 12 oil and gas limited partnerships. Plaintiffs alleged the defendants made false and misleading statements and omitted material information regarding the value of the assets held by the partnerships in proxy statements used to solicit votes in favor of mergers that caused the investors to be cashed out of their investments. On the eve of trial, after three years of hard fought litigation – and following the court's denial of defendants' class decertification motion, which Pachman wrote, and denial of defendants' partial motions for summary judgment, also written by Pachman — the case was settled for \$37.5 million, with the class receiving approximately \$24 million.
- **Taylor v. Shippers Transport Express.** Served as counsel to Shippers Transport Express and SSA Marine in a misclassification case. Susman Godfrey was retained to assist with trial preparation, and the case settled on favorable terms just before trial.
- **Westmoor v. Ganga.** Represented Westmoor in this copyright and trademark infringement suit in the Central District of California. Pachman briefed cross-motions for summary judgment in this case, which settled on favorable terms shortly after motion for summary judgment briefing.

## *Honors & Distinctions*

- Top 250 Women in Litigation, Benchmark Litigation ([2023](#), Euromoney)
- 40 and Under Hot List, Benchmark Litigation ([2020](#), [2021](#), [2022](#), [2023](#) Euromoney)
- Lawdragon 500X – The Next Generation of Leading Lawyers ([2023](#))
- Class Action Litigation Rising Star, Law360 ([2023](#))
- Rising Star of the Plaintiff's Bar, *National Law Journal* ([2023](#), ALM)
- *Lawdragon* 500 Leading Litigator ([2022](#), [2023](#))
- *Top Woman Lawyer*, *Daily Journal* (2022, Daily Journal Corp.)
- *Future Star*, Benchmark Litigation ([2022](#), [2023](#) Euromoney)
- *Lawdragon* 500 Leading Plaintiff Financial Lawyers ([2021](#), [2022](#), [2023](#))
- One to Watch, Commercial Litigation *Best Lawyers* ([2021](#), [2022](#), [2023](#), [2024](#) Woodward White, Inc.)
- *Top 40 Under 40*, *Daily Journal* (2021, Daily Journal Corp.)
- *Rising Star of the Plaintiffs Bar*, *National Law Journal's* Elite Trial Lawyers ([2021](#), [2023](#) ALM)
- *California Trailblazer*, *The Recorder* (2020, ALM)

- Recommended Lawyer, Dispute Resolution: General Commercial Disputes, The Legal 500, ([2019](#), Legal 500)
- Next Generation Woman Leader in Tech Law, *The Recorder* (2018, ALM)
- Southern California Rising Star, *Super Lawyers* (2017, 2018, 2019, 2020, 2021, 2022, 2023; Thomson Reuters)
- UCLA Law Review, Chief Comments Editor, Vol. 58

## *Clerkships*

Honorable Philip S. Gutierrez, United States District Court for the Central District of California

## *Education*

**UCLA School of Law** (J.D., )

**Northwestern University** (B.A., Political Science and Communication Studies, magna cum laude)

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## *Admissions*

### **Bar Admissions**

- California

## *Wins*

Susman Godfrey and Gradstein & Marzano Secure \$43.45 Million Settlement with Spotify in Copyright Class Action

Susman Godfrey Obtains \$37.5 Million for Investors in Oil & Gas in Limited Partnerships

## *Leadership & Professional Memberships*

- Board of Governors, Women Lawyers Association of Los Angeles