



Andrea Marconi

Partner

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Andrea practices in the areas of commercial litigation, business and personal injury torts, and franchise litigation. She has extensive experience in litigating matters involving a wide variety of industries and has a diverse group of clients, including individuals, small and mid-sized businesses, and Fortune 500 companies.

Andrea has a particularly strong background in financial services matters, including banking issues, payment processing, credit card processing and ACH transactions. She routinely advises her financial service clients on regulatory compliance issues, risk management, and contract issues, among others. Andrea also routinely represents her financial service clients in litigation, including contract and employment disputes, defending allegations of deceptive or abusive trade practices, and defending against alleged violations of consumer protection and related laws and regulations.

Andrea also has extensive experience representing clients in the health care industry, including representing health insurers in numerous matters such as ERISA defense, coverage issues, regulatory and compliance matters, and defense of bad faith claims. Andrea also has experience litigating a wide array of business and real estate contract disputes, insurance coverage and indemnity matters, restrictive covenants, and trade secret litigation. She also has represented numerous clients in disputes concerning intellectual property rights, including patent, trademark and copyright infringement claims, trade dress violations and related indemnification actions. Andrea routinely arbitrates and litigates cases in State and Federal courts around the country.

Andrea has been recognized as a Southwest Super Lawyer® in Business Litigation for 2014, 2015, and 2016. Also, in 2016, Andrea was named one of the top 25 women lawyers in the State of Arizona by Southwest Super Lawyer®. In 2013, she was also named as a Southwest Rising Star® in Business Litigation.

Andrea is also active in the community and the legal profession, serving as the Vice-Chair of the Arizona Humane Society Board of Directors, member of Phoenix Suns Charities 88, and serving as a Past President on the Board of Directors of the Phoenix Chapter of the Federal Bar Association and the Co-Programming Chair of the Federal Bar Association's Federal Litigation Section.

Representative Cases

Defended credit card processing company in numerous putative class action cases that were consolidated and transferred to a multi-district litigation involving claims arising out of one of the largest alleged pyramid and Ponzi schemes in U.S. history.

Represents third-party payment processing company in all aspects of its business, including contracts, regulatory and compliance issues, employment matters, and litigation.

Represents in various litigation matters a large massage and spa services provider with franchises in 49 states.

Defense and successful settlement of numerous claims by the Federal Trade Commission and various state attorneys general involving deceptive trade practices and consumer rights, including alleged violations of the FTC Act and related state and federal regulations.

Represented a local fine dining restaurant group and was part of the team who negotiated a favorable settlement for client in actions involving claims of breach of a multi-million dollar promissory note against the financiers who purchased the restaurant group and defending against trademark and trade dress infringement claims asserted by the purchaser against the restaurant group.

Successfully asserted and defended numerous restrictive covenant, trade secret, infringement, misappropriation, unfair competition and related intellectual property claims for clients ranging from individuals and start-ups to large corporations.

Defended large supplier of automated voice response systems in indemnification action arising out of patent infringement claims alleged against a call processing center to whom the client provided its product.

Defended claims by a putative class of consumers alleging unlawful pharmaceutical pricing in multi-district litigation matter.

Represented a large solid waste company in arbitration regarding a success fee and royalty contract where the claimant contended it had earned a large success fee and multi-million dollar royalty in connection with a landfill expansion. After a full evidentiary hearing, the arbitrator ruled that the claimant had not established entitlement to either the success fee or royalty and issued an award in favor of the waste company. The claimant moved the Arizona Superior Court to vacate the award. The court denied the motion to amend and confirmed the arbitration award.

Represented a Japanese EPC subcontractor in arbitration of consolidated claims arising out of the construction of a 790-Megawatt Power Plant in the Midwestern United States.

Defended more than 30 individual personal injury claims alleging purported benzene exposure in a Midwestern community against one of the world's largest oil companies related to one of the company's refineries and achieved a successful settlement of all remaining claims.

Participated in negotiating a favorable settlement and business licensing agreement to resolve trade secret and misappropriation claims against a large industrial manufacturer client.

Defended and leveraged for early settlement breach of contract and related claims alleged by an advertising agency against an international hotel chain.

Articles and Presentations

- *Changes to the Administration of Commercial Litigation in Arizona: A Brief Overview of the Commercial Court Pilot Program* (February 2015)
- *Financial Institutions & Social Media: Final Guidance Issued By the FFIEC* (January 2014)
- Presenter, "Emerging Issues: Social Media Guidelines for Banks and Financial Institutions Explored," The Knowledge Congress Webcast Series (July 2013)
- Presenter, "Deconstructing a Litigation Budget," Association of Corporate Counsel Arizona Chapter (June 2013)
- *How Soon Is Too Soon to Appeal? The Arizona Court of Appeals Reexamines Premature Notices of Appeal* (March 2013)
- *The Dodd-Frank Act and Consumer Financial Protection Bureau, What You Need to Know* (November 2011)
- *CFPB Announces Early Warning Notice of Enforcement Actions* (November 2011)
- *Major Legislation Affecting the Real Estate Industry* (July 2011)
- *New Laws Affecting Business Litigation* (June 2011)
- *Facilitating Financial Transactions in the Age of Internet Gambling: Compliance with the Unlawful Internet Gambling Enforcement Act*, Co-Author, Banking Law Journal (July/August 2009)
- *Betting and Buying: The Legality of Facilitating Financial Payments for Internet Gambling*, Co-Author, Banking Law Journal (June 2007)
- *Resolving Disputes Over Information Technology Transfers*, published for the 2005 United Nations World Summit on the Information Society
- *Federal Government Establishes Multi-Agency Task Force to Investigate Alleged Abuses by Banks and Payment Processors* (November 2011)

Professional and Community Activities

- Vice-Chair, Board of Directors, Arizona Humane Society
 - Governance Committee Chair (2014-2015)
 - Co-Chair of Arizona Humane Society Signature Event, Compassion with Fashion (2014)
 - Board of Directors (2013-present)
 - Compassion with Fashion event committee (2011-present)
- Board of Directors, Phoenix Chapter of Federal Bar Association (2011-present)
 - President (2013-2014)
- Co-Programming Chair, Federal Litigation Section, Federal Bar Association (2015-2016)
- Board of Directors, Herberger Theater Center (2013-2015)
- Board of Directors, Arizona Women Lawyer's Association (2011-2013)
- Board Member, Women's Metropolitan Arts Council (2008-2009)
- Member, Site Council for Curriculum Development, Knox Gifted Academy (Chandler)

Admissions

- U.S. District Court, District of Colorado, 2014
- U.S. Court of Appeals, Ninth Circuit, 2004
- U.S. District Court, District of Arizona, 2003
- Arizona, 2003

Education and Honors

- Southwest Super Lawyer®, Top 25 Women Lawyers in Arizona (2016)
- Southwest Super Lawyer®, Business Litigation (2014-2016)
- Power Players, Four Valley Residents Helping Others (March 2015)
- Southeast Super Lawyer®, Rising Star (2013)
- J.D., *magna cum laude*, Arizona State University, Sandra Day O'Connor College of Law, 2003
Order of the Coif
- Note and Comment Editor, *Arizona State Law Journal*
- B.A., Political Science, *summa cum laude*, *Phi Beta Kappa*, University of Arizona, 2000