

Evan S. Nadel

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Services

Litigation

Class Action Defense

Alternative Dispute Resolution

Complex Commercial Litigation

Appellate Litigation

Product Liability

Securities Litigation

Cybersecurity, Privacy & Data

Governance

Trademark Litigation

Trade Secrets

Industries

Retail & Consumer Goods

Media & Entertainment

Health & Life Sciences

Cannabis



Evan Nadel is a litigator who represents clients in disputes related to technology, commercial real estate, and handles the full gamut of class action cases. His work on technology-related cases and business disputes encompasses false advertising and unfair competition, privacy, data breach, trade secret, trademark, licensing, contract, and fraud matters. His work on the commercial real estate disputes involves representations of commercial loan servicers, brokers, and other CRE participants in loan and real estate related disputes.

Evan is the co-chair of the firm's Class Action Practice Group. He has spent more than 25 years defending companies in putative class actions in California and elsewhere involving consumer products, online services, false advertising, and other product liability claims. The majority of these lawsuits included claims under consumer protection and unfair competition laws, including California's Unfair Competition Law, California's False Advertising Act, and California's Consumer Legal Remedies Act. Evan has extensive experience representing clients in appeals in both state and federal courts. He also has an active insurance litigation practice, handling coverage claims and disputes among primary and excess insurers in a variety of contexts, including contribution and indemnification actions. In addition, Evan has represented clients in complex biotech and healthcare litigation.

Evan regularly works with CMBS/CRE CLO special servicers in connection with loan management and litigated disputes with CMBS/CRE CLO borrowers involving CRE loan delinquencies, dispositions of commercial real estate, and other contractual disputes. In this part of his practice, Evan collaborates closely with the Capital Markets team and draws on the team's depth related to the CMBS/CRE CLO securitizations, loan servicing support for master and special servicers and REMIC compliance.

Evan has been recognized as a New York "Super Lawyer" (2023-2026) for Class Actions & Mass Torts, a Northern California "Super Lawyer" (2014-2020) for Class Actions & Mass Torts, and a Northern California "Rising Star" (2009-2012) by *Super Lawyers* magazine. He was also recognized by *The Best Lawyers in America*® for Commercial Litigation (2024-2027). Evan was featured in a front-page article of *The Recorder* in 2009 regarding a successful motion to deny class certification in a nationwide consumer products class action in federal court alleging false advertising and unfair competition (Cal. Business & Prof. Code § 17200 and other state analogues). He is admitted to practice in California, New York, and Florida.

Experience

Class Actions and Product Liability

*Successfully defended the county's largest operator of obstacle and endurance races in a nationwide class action in Florida federal court claiming false representations including an allegedly misleading online registration fee charged to racers. Strong opposition to class certification resulted in resolution with no payment by client.

*Successfully resolved a large California consumer class action against a multinational corporation, which provides software as a service and online ticketing, along with participant management for events, competitions and activities over an online registration process for its membership program.

*Conceived, briefed, and argued winning motion to pre-emptively deny class certification in putative nationwide class action against one of the world's largest retailers. The district court granted our motion denying class certification before any discovery occurred, and the Ninth Circuit rejected the plaintiff's request for interlocutory review. Based on products labeled "Made in USA" but allegedly containing imported components, the class asserted claims under the false advertising and unfair competition laws of all 50 states (including section 17200 and the CLRA).

*Defended through trial a major electronic component manufacturer in a multi-district federal court class action alleging antitrust claims based on a global pricing cartel with billions of dollars at stake.

*Defended a national financial institution and its federal savings bank subsidiary in putative class action in federal court by borrowers whose vehicles were repossessed, alleging violation of California's Rees-Levering Act (concerning required content of notices of repossession and deficiencies on auto loans) as a predicate for unfair competition (§ 17200) claims.

*Represented a major U.S. sporting goods retailer in unfair competition (§ 17200) and related claims in California concerning alleged pricing discrepancies.

*Defended top U.S. title insurer in a putative class action in a coordinated federal court case alleging antitrust and unfair competition (§ 17200) claims. Eliminated antitrust claims on motion to dismiss and succeeded in

compelling individual (non-class) arbitration on remaining claims based on recent Supreme Court precedent.

*Successfully defended a national consumer products manufacturer in a series of three coordinated unfair competition and false advertising class actions in California seeking billions of dollars and injunctive relief (based primarily on § 17200). Secured effective victory in one case through class decertification and in the other two through successful summary judgment motions.

*Defended a medical records imaging company in a putative class action in Florida alleging violation of Florida Unfair and Deceptive Trade Practices Act based on alleged noncompliance with statute governing permissible copy charges.

*Won summary judgment in product liability and negligence action filed by a chain of volcanic islands in the Pacific Ocean against a consumer products company.

*Defeated class certification in federal court action in California alleging false and misleading marketing based on fraud, unfair competition (§ 17200), and warranty theories. Action was pending less than nine months when the court rejected class certification.

IP, Technology-Related, and Other Complex Litigation

*Defended a software modification and customization firm in contract, fraud, and 17200 action involving the design and implementation of an enterprise resource planning software (ERP) system.

*Defended a company providing customized radio frequency identification (RFID) asset tracking technology in an action involving trade secrets and technology issues.

*Represented the owner of famous trademarks in the kitchenware industry in parallel federal trademark infringement actions pending in California and New York (along with § 17200 and other claims). We briefed and argued successful motion to stay California action.

*Defended a software programming firm in contract disputes concerning a customized e-commerce website and client application.

*Represented a website in a dispute pending simultaneously in federal and state courts over trademark and ownership rights in domain name and website assets.

*Represented numerous clients in disputes over internet domain names and related trademark issues including compelling transfer of infringing domain names.

*Represented a variety of clients, including wine makers, a ski and snowshoe manufacturer, and a pharmaceuticals company in trademark disputes including Trademark Trial and Appeal Board (TTAB) proceedings and negotiation of co-existence agreements.

- *Defended a German software manufacturer against contract claims by a U.S.-based distributor and prosecuted counter claims for trademark and copyright infringement in federal court.
 - *Managed an action by a manufacturer of printed circuit boards against a non-U.S. consumer involving compliance with specifications for plasma TV technology.
 - *Successfully defended a consumer website company in actions alleging violation of California's Anti-Spam laws.
 - *Advised a trademark owner in a dispute with a licensee over a breach of license agreement and infringement of marks and proposing a creative resolution.
 - *Participated in a bench trial on advertising and a First Amendment case against the attorney general.
 - *Obtained complete dismissal on pleadings in a federal employment discrimination, defamation, and negligence case.
 - *Counseled and advised an Internet retailer concerning the effects of regulations in all U.S. jurisdictions governing online tobacco sales.
 - *Counseled an Internet client on trademark and privacy issues surrounding online promotions.
 - *Won a favorable settlement for an Internet caching service client in an arbitration involving Lanham Act false advertising claims.
- Business Disputes, Contracts, Real Estate, and Fraud Litigation
- *Represented biotech investor that was misled into investing in startup by a prominent Stanford professor. Obtained full recovery of all investment losses, a \$28 million judgment after month-long trial.
 - *Successfully enjoined UCC foreclosure sale of pledged ownership interest case in a \$350 million project in Minneapolis, Minnesota.
 - *Obtained dismissal with prejudice of all 13 claims, including fraud, breach of fiduciary duty, negligence, and California Corporations Code violations, in a federal securities action against a prominent investment banker.
 - *Defended healthcare plan in California litigation by network pharmacy, obtained complete dismissal with prejudice of all claims on the pleadings before any discovery.
 - *Defended healthcare plan from claims by medical service providers seeking full billed charges for services paid at government rates for years.
 - *Defended a managing broker-dealer of real estate securities in connection with claims arising from sale of investor interests in a California commercial real estate project.

Represented owner of Rincon Towers multifamily residential real estate “trophy property” in San Francisco’s financial district suing to enforce contract option to extend loan maturity date during 2008 financial crisis based on appraisal showing required loan-to-value ratio was satisfied; action involved claims of wrongful foreclosure, slander of title, breach of contract, and UCL (§ 17200) violations. *Rincon EV Realty LLC vs. CP II Rincon Towers, Inc.; Carmel Partners Investment Fund III, LP, et al.* (SF Superior Ct.)

Represented servicer for commercial real estate lender enforcing rights to foreclose on and sell properties. *Wilmington Trust, NA v. Ashford Tipton Lake LP* (SDNY)

Represent servicer of residential real estate loans in actions to appoint special servicer and liquidate commercial real estate. Situs cases: *Wilmington Trust, NA v. Bricks & Timber Residential LLC, et al.* (SDNY) and *Wells Fargo, NA v. Barrington Park Owner LLC* (SDNY)

Represented sponsor of tenant-in-common section 1031 exchange commercial properties and property manager in a series of cases filed by TIC investors alleging securities fraud and property management contract claims. Grubb & Ellis 1031 exchange cases (CA state court)

Represented family members in dispute against relatives over disposition and apportionment of real estate assets held in trust. Lee family real estate dispute (SF Supr. Ct.)

*Won an appeal and obtained an award of attorneys' fees for appellate work in a real estate contract dispute.

*Defended five defendants in a 10-count action brought by a former president, director, and shareholder of one of the corporate defendants. Most of the claims, including breach of fiduciary duty, RICO, conversion, employment discrimination, and unlawful termination, were dismissed on the pleadings.

*Obtained a favorable jury verdict in a California federal action involving fraud, Racketeer Influenced and Corrupt Organizations (RICO), and False Claims Act claims in a government-funded transportation construction project.

Insurance Litigation

*Counseled and advised numerous insurance companies on coverage and defense matters, including serving as panel counsel for a leading technology insurer.

*On behalf of one of the three largest mattress manufacturers in U.S., obtained coverage from insurer for full defense of nationwide federal court class action alleging false and misleading representations about products. Won summary judgment in district court, and successfully defended judgment on appeal in Ninth Circuit Court of Appeals.

*Defended large U.S. insurer in federal court coverage action brought by purported additional insured under policy facing hundreds of millions of dollars in claims arising from wildfire litigation.

*Defended insurance carriers against claims of bad faith, contribution, and indemnity seeking more than \$200 million involving complex allocation across decades of policies stemming from long-tail product liability claims.

*Prosecuted and defended equitable contribution, indemnity, and subrogation claims on behalf of numerous insurers, including in direct action against insurer, multi-party construction defect cases, and disputes among primary and excess insurers in product liability actions.

*Represented insurance carrier in action against broker for misappropriating premiums and failing to properly account for funds among insurers.

**Experience gained by attorney prior to joining Kilpatrick*

Education

New York University School of Law J.D. (1997)

University of Pennsylvania B.A., English and History (1994) *magna cum laude*, *Phi Beta Kappa*

Admissions

California (2001)

Florida (1999)

New York (1998)

Court Admissions

U.S. Court of Appeals for the Ninth Circuit

U.S. Court of Appeals for the Third Circuit

U.S. District Court for the Central District of California

U.S. District Court for the Eastern District of California

U.S. District Court for the Northern District of California

U.S. District Court for the Southern District of California

U.S. District Court for the Southern District of Florida

U.S. District Court for the Southern District of New York

Clerkships

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Professional & Community Activities

Bar Association of San Francisco, Litigation Executive Committee, Member

American Bar Association, Litigation Section and ABA Advisory Panel, Member

International Trademark Association (INTA), Member

Insights

News Releases

Kilpatrick Attorneys Once Again Earn Outstanding Recognitions in 2027 Edition of The Best Lawyers in America®

August 20, 2026

News Releases

Over 100 Kilpatrick Attorneys Named 2025 Super Lawyers and Rising Stars

November 25, 2025

Perspectives

5 Key Takeaways | Generative AI, Cybersecurity and Privacy

November 14, 2025

Perspectives

5 Key Takeaways | Federal Court Standing in Cases Alleging Consumer Products that Contain Harmful Chemicals (like PFAS or BPA) or Fail to Contain the Advertised Level of Key Compounds

November 5, 2025

Events

Ethics and Cybersecurity CLE, Plus AI - All in One!

October 15, 2025