



## Kirstie M. Simmerman

### PARTNER

Dallas

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### RELATED SERVICES

- Commercial Litigation
- Professional Liability Defense
- Franchise
- Intellectual Property Litigation
- Employment
- Product Liability

### OFFICES

- Dallas
- Washington
- Little Rock
- Los Angeles
- Austin

### OVERVIEW

Kirstie Simmerman serves as Co-Office Managing Partner for the Dallas office. Kirstie is a Partner in the Commercial Litigation, Intellectual Property and Employment practice groups. She handles a wide variety of litigation matters for clients across the country at both the state and federal level, including complex commercial disputes, class actions, employment disputes and professional liability defense, intellectual property disputes, franchising litigation, and product and premises liability.

Kirstie handles employment matters involving allegations of age, gender, disability and race discrimination, sexual harassment, wage and hour matters, wrongful termination, breach of contract, violations of the FMLA, the FEHA, and the ADA, and class action FCRA violations. Her employment work

has involved clients from a wide range of industries, including retail, temporary employment and staffing, health care, trucking and transportation, and manufacturing. In addition to appearances in state and federal court and binding arbitration, Kirstie has successfully represented clients before the Department of Labor, the Department of Fair Employment and Housing, the Equal Employment Opportunity Commission, the Workers Compensation Appeals Board, and the National Labor Relations Board.

Kirstie also regularly defends corporate entities in consumer class action litigation, including nationwide and state class claims arising under the TCPA (Telephone Consumer Protection Act), FDCPA (Fair Debt Collection Practices Act), and FCRA (Fair Credit Reporting Act). She also actively and successfully defends corporate entities and corporate officers and directors in contractual disputes, alleged breach of fiduciary duty claims, and other related claims.

She has handled the prosecution and defense of copyrights, trademarks, trade secret misappropriation claims and defamation actions. Kirstie also devotes a portion of her practice to the representation of national franchisors in litigation enforcing franchise agreement terminations, non-compete restrictions and indemnification provisions.

## **REPRESENTATIVE EXPERIENCE**

### **Representative Experience**

National defense of multiple clients concerning TCPA, FCRA, FDCPA, and related putative class actions, including successfully defeating certification of putative nationwide class of consumers.

Representation of franchisors in actions to enforce franchise agreements, including post-termination covenants.

Numerous successful dispositive motions as to product liability, trade secret, and consumer protection actions.

Representation of U.S. software companies in breach of contract matters involving various software products.

Representation of corporations in various intellectual property disputes, including a U.S. clothing manufacturer in trademark infringement litigation and an Internet social publishing website in copyright infringement litigation.

Successful and efficient resolution, for multiple clients, of state and federal wrongful termination claims based on alleged age, gender and disability discrimination.

## PUBLICATIONS

- Author, “The Supreme Court Holds Title VII’s Charge-Filing Instructions Is Not Jurisdictional” (June 2019)

## PRESENTATIONS

- Speaker, #METOO: *The Next Phase*, GRSM Legal Education Conference, Chicago (October 2019)

## CREDENTIALS

### Admissions

- California
- Texas
- Arkansas
- District of Columbia
- United States District Court, Northern, Central and Southern Districts of California
- United States District Court, Northern and Eastern Districts of Texas
- United States District Court, District of Colorado

### Memberships

- Dallas Bar Association, Business Litigation Section
- Dallas Association of Young Lawyers
- Junior League of Dallas

### Education

- J.D., University of San Diego School of Law, 2008  
- Appellate Moot Court Executive Board, Vice Chair
- B.A., *cum laude*, Speech Communication and Political Science, California State University, Fullerton, 2005