



## Timothy K. Branson

### PARTNER

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### RELATED SERVICES

- Commercial Litigation
- Real Estate
- Appellate
- Cyber, Privacy & Data Security
- Class Action Defense
- Product Liability
- Food & Beverage
- Trial Practice

### OFFICES

- San Diego
- Irvine
- Los Angeles

### OVERVIEW

Timothy K. Branson is a partner in the firm's Southern California offices. A member of the firm's Commercial Litigation, Class Action Defense, and Cyber, Privacy and Data Security practice groups, Mr. Branson defends corporate clients against high stakes class action cases and complex business disputes in state and federal courts nationwide. With more than 25 years of experience, Mr. Branson's practice has primarily focused on defending clients against claims of false or misleading advertising of products or services, or other claims of unlawful, unfair, fraudulent, or anti-competitive business practices, including consumer class actions, competitor litigation, and government enforcement actions.

Mr. Branson has extensive experience handling claims for violations of California's Invasion of Privacy

Act (CIPA) (Penal Code § 631 et seq.) related to company websites, including cookies and pixel tracking, search functions, opt-out functions, chatbots, privacy policy disclosures, and other cyber and privacy related issues. Mr. Branson also routinely defends companies against litigation alleging violations of California's Unfair Competition Law (Business & Profession, §17200 et seq.) the Consumer Legal Remedies Act (Civil Code, §1770 et seq.), the False Advertising Law (Business & Professions Code, §17500 et seq.), and the Song-Beverly Credit Card Act (Civil Code, §1747 et seq.), as well as violations of the Lanham Act (15 U.S.C. § 1125).

Mr. Branson also defends banks, credit unions, auto finance companies, collection agencies and other financial institutions against claims cases alleging violations of the Fair Debt Collection Practices Act (FDCPA), the California Fair Debt Collection Practices Act (CFDCPA), the Fair Credit Reporting Act (FCRA), the California Consumer Credit Reporting Agencies Act (CCRAA), and the Telephone Consumer Protection Act (TCPA).

Over the past two decades, Mr. Branson has also developed a rare specialization in the handling of issues related to California's Mobilehome Residency Law, providing advice and counsel to mobilehome and RV park owners and managers throughout California on issues related to park closures, unlawful detainers, and abandonments, as well as providing advice and counsel to park owners on the handling of day-to-day park management issues. Mr. Branson has also successfully defended property owners and managers for mass tort litigation cases related to mobilehome parks, as well as class actions regarding park closures and related claims for relocation benefits involving hundreds of homeowners and renters.

In his practice, Mr. Branson also routinely handles high exposure Tort and Product Liability matters, including premises liability cases, automobile accident litigation, and other negligence cases involving wrongful death and serious personal injury. He also practices in the firm's Appellate practice group and has handled numerous appeals and writs to conclusion, including oral argument, in various Appellate Districts and in the Ninth Circuit.

## REPRESENTATIVE EXPERIENCE

### Litigation

- Successful defense of 50 to 75+ claims for violation of California's Invasion of Privacy Act (CIPA) (Penal Code § 631 et seq.) in arbitration and state and federal courts across California.
- Successfully representing a manufacturer of energy drink products in competitor litigation and defending parallel, multi-state consumer class actions alleging false advertising and other anti-competitive business practices.

- Obtained a complete class action defense verdict on behalf of publicly traded clothing retailer in consumer class action case with more than \$1 billion of exposure for alleged violations of the Song-Beverly Credit Card Act (Civil Code, § 1747.08), the largest defense verdict in the history of the firm. For more details on the case read: [Complete Defense Verdict in Major Consumer Privacy Class Action Trial](#). To read the ‘Cover Story’ article in the *Daily Journal*, please click [here](#).
- Successfully defeated class certification and obtained full dismissal of four-year food labeling case against client, a national family-owned tea manufacturer, alleging violations of the Federal Food, Drug, and Cosmetic Act related to antioxidants in green and black teas. For more details on the case read: [Successfully defeated class certification in two food labeling lawsuits filed against their client, family-owned tea company and San Diego Team Successfully Obtains Full Dismissal of Four-Year Food Labeling Case Involving Antioxidant and Health Claims](#).
- Successfully defended a group of 16 companies and professionals in the cosmetics industry in antitrust action alleging violations under California’s Sherman Act.
- Obtained dismissal for celebrity chef client in antitrust action alleging conspiracy related to tipping policies in NY and CA restaurants.
- Successful pre-certification resolution of consumer class action filed against the world’s leading newspaper company alleging false advertising and violations of California’s Automatic Renewal Law (Business and Professions Code, §17600 et seq.), the Unfair Competition Law (Business & Profession, §17200 et seq.) and Consumer Legal Remedies Act (Civil Code, §1770 et seq.)
- Successful pre-certification resolution of consumer class action against the world’s largest manufacturer of cosmetics alleging false or misleading advertising of hair care products under the UCL, FAL and CLRA.
- Successful pre-certification resolution of consumer class action against national chain of luxury fitness gyms.
- Successfully defended publicly traded industrial gas distributor against government enforcement action for civil penalties, alleging false advertising for charging prices greater than advertised (Business and Professions Code section 12024.2) and failing to conspicuously display prices at the point-of-sale (Business and Professions Code section 13300).
- Obtained a favorable decision after 20-day court trial on behalf of commercial tenant in breach of lease dispute wherein plaintiff landlord received net judgment of less than 1 percent of its \$1,000,000 claim, entitling the firm’s client to recover its attorney’s fees and costs.
- Successfully defended mobilehome park operator in \$50 Million class action litigation involving 500-space mobilehome home park alleging violations of California’s Mobilehome Residency Law (Civil Code, § 798 et seq.), including failure to comply with park closure notice and tenant impact reporting procedures and related claims for relocation benefits, following 10-day, expert-heavy court trial.

- Successful resolution of mass tort litigation involving 350 mobilehome park residents alleging violations of California’s Mobilehome Residency Law (Civil Code § 798 et seq.), including failure to maintain, improper creation of park rules, and prohibition of sales or renting of mobilehomes, resulting in a nominal settlement.

### **Appellate**

- Secured the reversal of a defense judgment and \$1,000,000 attorneys’ fees award on behalf of a corporation in a case alleging the wrongful foreclosure of commercial property.
- In a case of first impression in California, Mr. Branson secured the reversal of \$900,000 jury verdict in an automobile accident case after successfully arguing that the trial court improperly admitted testimony from plaintiff’s expert economist regarding “hedonic” damages, or damages to compensate for the loss of enjoyment of life. The Court of Appeal ruled that such testimony is inadmissible as a matter of law, as the determination of the value of loss of enjoyment of life should be left to the sound discretion of the jury. (*Loth v. Truck-A-Way* (1998) 60 Cal.App.4th 757.)

### **PUBLICATIONS**

Mr. Branson’s published appellate opinions include:

- *Loth v. Truck-A-Way Corporation* (1998) 60 Cal.App.4th 757 (reversal of a \$900,000 jury verdict);
- *Du-All Safety, LLC v. Superior Court* (2019) 34 Cal.App.5th 485 (successful writ petition challenging order excluding experts).

### **Publications**

- “[Using chatbots or AI on your website? Risks and recommendations,](#)” *Westlaw Today*, April 2023

### **CREDENTIALS**

#### **Admissions**

- California
- United States District Courts, California
- United States Court of Appeals for the Ninth Circuit

#### **Memberships**

- State Bar of California

#### **Education**

- J.D., Santa Clara University School of Law, 1996
- B.A., English, Santa Clara University, 1991

## **Honors**

- *Top Attorney* distinction in Corporate Litigation (2012, *The San Diego Daily Transcript*)
- *Best Lawyers in America*® distinction in Mass Tort Litigation / Class Actions – Defendants (2024-2025)