

Daily Journal

FEBRUARY 5, 2025

LEADING COMMERCIAL LITIGATORS 2025



ERIN E. MEYER

KEKER, VAN NEST & PETERS

SAN FRANCISCO

LITIGATION

Erin Meyer is a seasoned attorney with nearly 16 years of legal experience, including almost 13 years at Kecker, Van Nest & Peters. Her practice is characterized by its diversity and constant evolution, allowing for continuous learning about new industries, technologies and areas of law. "Over time, this has allowed me to practice law in cutting-edge areas like cryptocurrency and the gig economy, and it's also allowed me to go deep in industries I knew nothing about — as two examples, I've spent chunks of my career litigating cases involving the wine industry, followed by a multi-year stint learning all there is to know

about insurance for self-storage units!" Meyer said.

In fall 2023, Meyer represented Sutter Health and its affiliate hospitals in a qui tam case under the Insurance Frauds Prevention Act. The case, which was litigated for six years before going to trial, involved allegations of insurance fraud related to anesthesiologists' procedures and post-operative care. *State of California ex. rel. Duncan and Hulbert v. Sutter Health et al.*, RG17846895 (Alameda Super. Ct., filed Jan. 25, 2017).

During a seven-week bench trial, Meyer and the team successfully defended Sutter Health, with the court ruling that there was no fraud and that Sutter's charges were medically appropriate and industry-standard.

"I had the opportunity to cross-examine the lead relator at trial, as well as one of relators' key experts, and I presented half of Sutter's closing argument," Meyer said. "But the real highlight for me was getting to work with a team of Kecker partners, associates and staff that provided our client with top-notch representation day-in and day-out throughout the seven-week trial and beyond."

Last fall, Meyer represented a Fortune 500 secure networking company in a fraud and breach of warranty case related to a 2017 purchase of networking equipment. *Alorica. v. Fortinet*,

19CV344971 (Santa Clara Super. Ct., filed March 21, 2019).

Despite joining the case just months before the trial, her team managed to secure a complete defense verdict after a four-week trial. This case involved complex issues regarding Software-Defined Wide Area Networking technology and required rapid assimilation of five years of litigation history.

"This case was particularly significant to me because I was able to take a lead role in the case with the guidance of Bob Van Nest, who has been an important mentor and inspiration for me throughout my career," Meyer said. "I am so proud of the team I was able to put together in a short amount of time (we were hired seven months before trial) and of our ability to translate complicated technical concepts into a cohesive narrative the jury understood."

One trend Meyer said she has seen in the past year is more challenges to arbitration agreements with a focus on mass arbitrations.

"The Ninth Circuit recently held that a newly formed arbitration provider's rules relating to mass arbitrations were unconscionable and therefore unenforceable," she said. "I suspect we'll see more challenges along those lines, so it will remain critical to look out for changes in the law."