

# Snell & Wilmer

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## **Elizabeth M. Weldon**

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### **Main Bio**

Elizabeth Weldon is a Certified Specialist in Franchise and Distribution Law, The State Bar of California, Board of Legal Specialization. She concentrates her practice on business litigation, franchise litigation, and intellectual property litigation. Elizabeth represents both large and small businesses in commercial and intellectual property litigation matters, including breach of contract, tort, class action, trademark, and trade dress claims. Additionally, she represents franchisors in matters including breach of contract, trademark and trade name infringement, business competition torts, and franchise law claims.

### **Representative Experience**

#### ***Business Litigation***

- Lead claimant counsel in successful arbitration of breach of lease claim, appearing before panel of three arbitrators. Panel determined that claimant was the prevailing party and claimant received an award of attorneys' fees and costs, for both the arbitration and the motion to confirm the arbitration decision in court.
- Lead counsel for a Danish company in negotiations of dispute with international manufacturer of beauty products that alleged various claims against company, including breach of distribution agreement. Matter settled on confidential terms after negotiations.
- Lead defense counsel for HOA against claims of slander and violation of Fair Debt Collection Practices Act. Matter settled after HOA filed motion for summary judgment.
- Represented large company against consumer class action alleging claims of unfair business practices (Section 17200) and violation of the Consumer Legal Remedies Act.

#### ***Franchise and Distribution Litigation***

- Represented national real estate brokerage franchisor in multiple matters in state and federal courts asserting claims, including trademark infringement and breach of contract, against former franchisees.
- Represented defendant, an international franchisor in food industry, in state court against former franchisee's and its principals' claims of fraud in sale of franchise. Matter settled on confidential terms after franchisor filed motion for summary judgment against plaintiffs.
- Lead counsel for national manufacturer in action against distributor for breach of contract, and against cross complaint for claims including interference and misrepresentation.

#### ***Intellectual Property Litigation***

- Represented respondent in section 337 investigation by the International Trade Commission (ITC) against claims of patent infringement brought by competitor. Matter settled on confidential terms after the filing of motions for summary determination, including a motion challenging the validity of patents at issue.
- Represented defendant in multi-defendant action in Eastern District of Texas against claims of infringement of computer software patent brought by non-practicing entity.

## Education

- William & Mary School of Law (J.D., 2001)
  - Executive Editor, *Environmental Law and Policy Review*
- University of Arizona (B.A., Classics and Anthropology, magna cum laude, 1998)
  - Phi Beta Kappa
  - Phi Kappa Phi

## Professional Memberships & Activities

- State Bar of California
  - Franchise Law Committee (2012-2016, 2019)
    - Membership (2015)
    - Co-Chair (2016)
- American Bar Association, Forum on Franchising
  - Governing Committee Member (2018-present)
  - Finance Officer (2019-present)
  - Litigation and Dispute Resolution Committee (LADR) (2012-2017)
    - Chair (2016-2017)
- International Franchising Association, Southern California Women's Franchise Network
- Litigation Counsel of America
  - Fellow (2017-present)

## Representative Presentations & Publications

- "AB 5: The Codification of the ABC Test - A Franchising Perspective," Presenter, California Lawyers Association Webinar (December 12, 2019)
- Lex Mundi Institute Cross-Border Dispute Resolution Program, Annual Conference Speaker (2013-2019)
- "Fees, Initial Terms, and Renewal," Contributing Author, *The Annotated Franchise Agreement* (November 2018)
- "2018 Annual Developments," Co-Presenter, American Bar Association, Forum on Franchising, Nashville, TN (October 11, 2018)
- "Annual Franchise and Distribution Law Developments, 2018," Co-Author, American Bar Association, Forum on Franchise (October 2018)
- "[Restoring Previous Joint Employer Standard Could Bring Clarity](#)," Quoted, *Business Insurance* (September 25, 2018)

- "Hidden Pitfalls in Commonly Negotiated Provisions in Key Business Documents," Co-Presenter, Association of Corporate Counsel (Southern California Chapter), Long Beach, CA (September 27, 2017)
- "[California Anti-SLAPP Motions: Potential Pitfalls for Plaintiffs](#)," Co-Author (June 28, 2017)
- "Enforcement of Noncompetition, Confidentiality and Related Agreements in California," Co-Presenter, The State Bar of California, Business Law Section Webinar (May 18, 2017)
- "Insurance Dilemma - Challenges in Identifying Adequate Coverage for the Franchisor and Franchisee," Co-Presenter, American Bar Association, Forum on Franchising, Miami, FL (November 3-4, 2016)
- "[Strange Weather: California's Amended Franchise Relations Act, AB 525](#)," Co-Author, Franchise Law Journal, Vol. 35, No. 4 (Spring 2016)
- "Untangling the Tangled Webs We Weave: Joint Representation Issues in Franchise Cases," Co-Presenter, 49th Annual IFA Legal Symposium, Washington, DC (May 16-17, 2016)
- "[Can a Franchisor Avoid Becoming the Joint Employer of its Franchisee's Employees?](#)" Co-Author, Franchising Opportunities in Southern California (September 14, 2015)
- "Clash of Counsel: Franchise Litigation and Dispute Resolution From the Perspective of Counsel for Franchisors and Franchisees," Panelist, American Bar Association, Forum on Franchising Webinar (April 28, 2015)
- "How to Litigate a Franchise Dispute," Co-Presenter, The State Bar of California Business Law Webinar (February 19, 2015)
- "[Top Five Legal Tips for Franchisors in 2014](#)," Co-Author, Franchising Opportunities in Southern California (September 29, 2014)
- "[Keeping Current: Daimler AG v. Baumann, et al., 134 S. Ct. 746 \(2014\)](#)," Co-Author, Business Law Today (May 2014)
- "U.S. and California Supreme Court Game-Changing Cases of 2013 and Beyond: How Will They Impact Your Business?," Speaker, Roundtable Presentation, Snell & Wilmer, Costa Mesa, CA (February 25, 2014)
- "[Spotting an Accidental Franchise: and Why it Matters To You](#)," Co-Author, Orange County Business Journal (November 18, 2013)
- "Disclaimers: A Powerful Tool of Franchisors or Fickle Follies in the Wake of the Amended FTC Franchise Rule?," Speaker, ABA 36th Forum on Franchising, Orlando, FL (October 16-18, 2013)
- "[International Trade Commission's "fast-track" pilot program: be prepared for more speed](#)," Co-Author, Lexology (October 4, 2013)
- "Choice of Law and Choice of Forum: Has the Choice Already Been Made for You?," Panelist, The American Bar Association, Forum Committee on Franchising, Webinar (August 8, 2013)
- "U.S. and California Supreme Court Game-Changing Cases of 2012 and Beyond: How Will They Impact Your Business?," Speaker, Roundtable Presentation, Snell & Wilmer, Costa Mesa, CA (February 26, 2013)
- "LAIPLA Road Show at Whittier Law School," Panelist, Los Angeles Intellectual Property Law Association, Costa Mesa, CA (September 6, 2012)
- "[Section 337: tips for discovery in ITC's rocket-docket](#)," Co-Author, Daily Journal (May 8, 2012)
- "U.S. and California Supreme Court Game-Changing Cases of 2011 and Beyond: How Will They

Impact Your Business?," Speaker, Roundtable Presentation, Snell & Wilmer, Costa Mesa, CA (April 2012)

- "Is Your Law Firm a Center of Influence for Your Business?," Co-Author, Los Angeles Business Journal, Vol. 33, No. 43 (August 22-28, 2011)
- "[Strategies for Fostering Productive Corporate Counsel Relationships](#)," Co-Author, Orange County Business Journal, Vol. 34, No. 23 (June 6-12, 2011)
- "[Prelitigation Dispute Resolution Clauses: Getting the Benefit of Your Bargain](#)," Co-Author, ABA Franchise Law Journal, Vol. 31, No. 1 (Summer 2011)
- "Patent Litigation: The New Normal, Moderator, Be On Your Offensive Game: Managing Intellectual Property Litigation Costs With a Team Approach," Association of Corporate Counsel SoCal, Long Beach, CA (June 2011)
- "Model Jury Instructions: Copyright, Trademark and Trade Secret Litigation," Contributing Author, ABA Section of Litigation (May 2008)
- "Practically Irrigable Acreage Standard: A Poor Partner for the West's Water Future," Note, 25 Wm. & Mary Env't'l L. & Pol'y Rev. 203 (2000)

## Professional Recognition & Awards

- The Best Lawyers in America<sup>®</sup>, Franchise Law (2016-2020)
- Legal Eagles, Franchise Times (2011-2019)
- Southern California Super Lawyers<sup>®</sup>, Rising Stars Edition, Franchise/Dealership, Business Litigation, Intellectual Property Litigation (2007-2016)
  - "The Top Women Attorneys in Southern California," Los Angeles Magazine (2014, 2016)
- Wiley W. Manuel Certificate for Pro Bono Legal Service, State Bar of California (2013)
- Association of Corporate Counsel (ACC), Southern California Chapter "Rising Stars" (2012)

## Community Involvement

- Girls Inc. Orange County
  - Board of Directors (2011-2019)
  - Secretary (2013-2015)
  - President Elect (2015)
  - President (2016-2017)
- Friends of READ/Orange County (2005-2009)
  - President (2006-2009)

## Other Professional Experience

- Mariscal, Weeks, McIntyre & Friedlander, P.A., Associate, Phoenix, AZ
- United States Court of Appeals, Ninth Circuit, Extern for Hon. Barry G. Silverman

## Bar Admissions

- California
- Arizona

## **Court Admissions**

- Supreme Court of California
- Supreme Court of Arizona
- United States District Court, District of Arizona
- United States District Court, All Districts of California