

# Sandra D. Hauser

## Partner



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New York

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## Overview

Sandra Hauser is the head of the Commercial Litigation and Dispute Resolution practice in the United States and serves on the Firm's Global Litigation and Dispute Resolution Leadership team. She is part of the Firm's Chambers-recognized Insurance Litigation team. As one of only 28 recognized nationally, and only 1 of 6 women, Sandy is ranked by *Legal500* as a Leading Lawyer for Securities Litigation: Defense.

Sandy leads the defense of companies facing class actions and complex commercial litigation in trial and appellate courts across the US as well as in challenges before Federal and State regulators. Sandy is praised by clients for her "strategic thinking and effective advocacy," in recognition of both her courtroom achievements and her practical, creative and business-centered advice and exceptional client service.

Sandy's clients include major global financial institutions and insurance companies, consumer products and services companies, and health care companies, and her practice spans numerous substantive areas including securities fraud, consumer fraud and deceptive trade practices, privacy, antitrust, financial markets, health care and major insurance disputes (involving life and health, annuities, professional liability, workers' compensation, property, commercial general liability and self-insured trusts, and most recently, issues related to COVID-19 (coronavirus)).

## Experience

- Successfully represented major financial institutions and their officers and directors in securities litigation, regulatory investigations and other high profile disputes involving mortgage portfolios and/or residential mortgage-backed securities (RMBS), including numerous matters against Fannie Mae and Freddie Mac, federal and state financial regulators, and class action and other plaintiffs in courts across the US.
- Won full dismissal, affirmed by the US Court of Appeals for the Second Circuit, of five consolidated class actions filed against a major global insurance company, in which plaintiffs had claimed that the insurer misrepresented its financial condition through the use of captive reinsurance, claiming \$billions in damages and penalties.
- Defeated class certification on behalf of a major financial institution and its investment advisory group facing a federal 10b-5 securities fraud class action that alleged misrepresentations and omissions regarding the

placement of client assets in mutual funds and related mutual fund fees. The US Court of Appeals for the Second Circuit affirmed the victory. In a related matter, secured a permanent injunction in the District of Connecticut after trial had commenced against former employees of the same client, for the misappropriation of trade secrets and client information.

- Won full dismissal of a putative securities fraud class action against a major global pharmaceutical company, in a case filed against our client following a severe drop in stock price following certain disclosures related to the release of a new product.
- Defending an international, Canadian-based bank in rate-setting antitrust and Commodities Exchange Act class action in the Southern District of New York.
- Defending a major global insurance brokerage firm in litigation brought by a key New York State regulator raising allegations of misconduct and contractual breaches relating to the administration of self-insured trusts.
- Defending several large consumer product companies against consumer fraud/false advertising class actions that challenge product labels and content/function claims.
- Trial and national coordinating counsel for a global property and casualty insurer in insurance coverage disputes across the United States that arose following the insolvency of a US carrier, involving numerous state insurance guaranty funds.
- Represented a major global financial services company in a putative securities fraud class action in the Southern District of New York concerning the planned and then delayed partial initial public offering (IPO) of an Australian subsidiary.
- Defeated class certification, and achieved numerous additional dismissals with prejudice, of consumer fraud and product liability class-action suits brought against a pharmaceutical manufacturer in multiple federal and state courts across the country, following a nationwide product recall by our client.
- Successfully represented a life insurance/annuity company in a District of Connecticut putative ERISA class action alleging breaches of fiduciary duty to Plan and beneficiary plaintiffs, as well as various misrepresentations regarding the tax advantaged nature of certain annuity products. The case was resolved on an individual non-class basis.
- Secured dismissal with prejudice of a consumer privacy class action brought under the federal Video Privacy Protection Act (VPPA) on statutory grounds. Defending several putative consumer privacy class actions, brought by plaintiffs in New York under a similar Michigan statute (VRPA).
- Successfully defended a major national retail pharmacy against a putative Racketeer Influenced and Corrupt Organizations (RICO) Act class action alleging that the average wholesale price of pharmaceuticals was fraudulently inflated. Secured dismissal with prejudice in the United States District Court for the Northern District of California, affirmed on appeal to the US Court of Appeals for the Ninth Circuit.
- Defended a hospital system in putative antitrust class action litigation charging wage suppression and unlawful information exchange, through successful class resolution.
- Successfully defeated class claims of deceptive trade practices and false advertising against a major global retailer in California and Florida.
- Successfully represented a telecommunications company in putative nationwide consumer fraud litigation that alleged product failures and false advertising. Achieved approval of a favorable class action settlement.
- Co-trial counsel for Royal Indemnity Co. in the highly publicized property insurance "occurrence" dispute over the World Trade Center, where Royal prevailed in the trial court and US Court of Appeals for the Second Circuit on a significant portion of its coverage. *World Trade Center Props. LLC v. Hartford Fire Ins. Co. et al.*, 345 F.2d 154 (2d Cir. 2003).
- Lead a nationwide team as lead trial counsel and national coordinating counsel for Fireman's Fund with respect to hundreds of claims arising from the sale of fraudulent and/or unlicensed health plans. After being

brought in to handle the appeal, won complete reversal of a trial judgment in the US Court of Appeals for the Fourth Circuit. *American Automobile Insurance Company v. Valentine, et al.* (4th Cir., May 2005).

- Defending Prudential against allegations of improper life insurance sales practices, coordinated Prudential's multidistrict litigation in Newark, NJ, in which numerous class actions and individual actions were consolidated; handled key aspects of Prudential's successful class action settlement, appeal and alternative dispute resolution implementation processes; argued appeals and opt-out litigations in federal and state courts; handled whistleblower arbitrations in various districts; and assisted Prudential in related regulatory inquiries and corollary litigations.
- Successfully represented indigent families in class action litigation and legislative battles over entitlement to federal income support and Medicaid benefits, including prevailing in a recent class action brought on behalf of elderly and disabled Medicaid recipients entitled to timely home health care services from New York State. Sandy and her team won class certification and achieved broad injunctive relief, in a ruling upheld by the Second Circuit Court of Appeals. The team also successfully opposed a Petition for Certiorari to the United States Supreme Court in 2013.

## Recognition

### Honors and Awards

- *Legal 500* praises Sandy for her "strategic thinking and effective advocacy, "her "easy-to-work-with and efficient and effective team," which was cast as "an increasingly credible alternative to Wall Street firms." As one of one of only 28 recognized nationally, and only 1 of 6 women recognized, Sandy is ranked as a Leading Lawyer for Securities Litigation: Defense. She's also recognized for her work in:
  - Insurance: Advice to Insurers, 2014-2018
  - Securities: Litigation - Defense, 2014-2018
  - General Commercial Disputes, 2015-2018
  - Corporate investigations and white-collar criminal defense, 2018
- *Benchmark Litigation* selected Sandy as a "Future Star" in New York, 2015
- Recognized in *Law360's* "Class Action Group of the Year," 2014

Recipient of several pro bono commitment awards, including:

- New York Legal Assistance Group 2014 Underwriter Award, presented to Dentons in recognition of Sandy's leadership of the litigation team advocating on behalf of elderly and disabled Medicaid recipients entitled to timely home health care services from New York State
- Rothschild Award, class-action litigation team, 2011
- Teri and Nick Letica Award for Outstanding Commitment to Pro Bono, Brooklyn Bar's Volunteer Lawyers Project, 2006
- Commitment to Justice award from Her Justice (formerly, inMotion), an organization that finds counsel for women affected by domestic violence, 2004
- Accepted for the Firm the Cornerstone Award from the Lawyers Alliance for New York (2016 and 2004), and received recognition from the 9/11 Project of New York Lawyers for the Public Interest as a key collaborating law firm

## Insights

- "Second Circuit affirms dismissal of policyholder lawsuits challenging captive reinsurance disclosures," Dentons Client Alert, March 6, 2017
- "Insurance Filed Rate Defense Wins Over The 2nd Circuit," *Law360*, August 26, 2015
- "Growing Challenges to NY Shadow Insurance Transactions," *Law360*, May 16, 2014, with Matthew Gaul, Patrick Gennardo and Catharine Luo
- Co-author, "Lessons Learned from the First Public CFPB Enforcement Action and Bulletin 2012-06," *Consumer Finance Law Quarterly Report*, Vol. 66, No. 3 & 4, June 2013

## Activities and Affiliations

### Presentations

- "Class Action Trends," Dentons Gotham Insurance Symposium, New York City, October 25, 2018
- "Captive Reinsurance: Class Action Litigation and Policy Debate," presentation to the Association of Life Insurance Counsel (ALIC), May 19, 2015
- "Class Action Trends and Predictions," Panel Presentation, Women Influence Power & Law Summit, September, 2014
- "Shadow Insurance": A new wave of litigation on the horizon? NOLHGA 22nd Annual Legal Seminar, New York City, July 17, 2014
- "Recent Developments in Class Action Practice: False Advertising and Privacy Risks," Marsh 2013 Retail/Wholesale Spring Fling, June 2013
- "Residential Mortgages and the Capital Markets: The Way Forward/Clearing the Battlefield: Litigation and Enforcement," SNR Denton CLE, July 2011
- "Cost of Insurance Litigation," American Counsel of Life Insurers Litigation Committee, October 2010
- "Class Action Law and Practice," Client CLE, May 2008 and April 2006
- "Anatomy of a Health Plan Scam: Health Insurance Fraud Schemes and Their Impact on the Industry," ABA Annual Meeting, TIPS Practice Section, August 2005
- "New Rules, New Decisions: Impact on Class Action Strategy," The Class Action Litigation Summit, June 2003

### Memberships

- Chair of the Board of Directors, National Center for Law and Economic Justice (formerly the Welfare Law Center)
- Events Committee, The New York Says Thank You Foundation (<http://www.newyorksaysthankeyou.org/>)
- Member of the Association of Life Insurance Counsel (ALIC)
- Member of the New York City Bar Association, including past service on its Committees on New York City Affairs, Sex and Law, Civil Rights and the Project on the Homeless
- Member of the American Bar Association
- Member of the New York State Bar Association
- Member of Dentons' US Policy and Planning Committee (term ending 2014)

- Member of Dentons' Associate Development Committee
- Member of Dentons' Global Litigation & Dispute Resolution Leadership
- Member of Dentons' Global and US Pro Bono Committees

## Areas of focus

### Practices

- Appellate Advocacy
- Class Action Defense
- Commercial Litigation
- Competition and Antitrust
- ERISA Litigation
- Financial Services Litigation
- Fraud, Corruption and Asset Recovery
- Litigation and Dispute Resolution
- Securities and Shareholder Litigation
- Financial Markets Litigation and Regulation

### Industry sectors

- Catastrophe and Major Claims Litigation
- Coverage Counseling and Defense
- Financial Institutions
- Insurance
- Life Sciences and Health Care
- Litigation, Arbitration, Mediation and other Dispute Resolution
- Private Equity
- Technology

## Education

- Harvard Law School, 1991, JD, *magna cum laude*
- University of Michigan, 1988, AB, with honors, *summa cum laude*, Phi Beta Kappa, Irving R. Kaufman Fellowship. James B. Angell Scholar

## Admissions and qualifications

- New York

- US Court of Appeals for the District of Columbia Circuit
- US Court of Appeals for the Eighth Circuit
- US Court of Appeals for the Eleventh Circuit
- US Court of Appeals for the Fourth Circuit
- US Court of Appeals for the Ninth Circuit
- US Court of Appeals for the Second Circuit
- US Court of Federal Claims
- US District Court for the Eastern District of Michigan
- US District Court for the Eastern District of New York
- US District Court for the Southern District of New York
- US Supreme Court