



Geoffrey W. Castello

Partner

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About

Jeff Castello represents large corporations in complex food, beverage and consumer product false advertising and consumer product and service litigation and class action claims.

He regularly defends businesses in major cases involving false advertising related to nutrition and health claims, warranty claims, and violations of consumer protection laws. Jeff also has significant experience defending companies that have been accused of violating the Telephone Consumer Protection Act, the California Invasion of Privacy Act, and other federal and state laws relating to website content and accessibility.

In addition, Jeff litigates high-stakes disputes involving claims of unfair business practices, unfair competition, misappropriation of trade secrets, breach of contract, business torts, franchise agreement violations, and IP infringement cases. He has litigated complex cases in the consumer, retail, real estate, satellite television, energy, telecommunications, brokerage, and commercial construction industries, as well as counseled and represented clients in matters pending in federal and state courts, including trials, arbitrations, and appeals. He also has conducted special investigations on behalf of several of the firm's clients.

After nearly three decades of litigation practice, Jeff has appeared before many federal and state courts across the United States on behalf of national and international companies. While at times trials are the only way to settle a dispute, Jeff has also directly negotiated favorable settlements in numerous litigation and non-litigation matters.

In the event litigation is the only way to resolve his client's dispute, Jeff has ably examined, cross-examined, and defended witnesses, including CEOs and CFOs, before various tribunals. He has also worked with (and against) nationally renowned experts in the fields of medicine, various scientific disciplines, economics, marketing, and accounting.

Clients value Jeff's acute strategic insight and inexhaustible problem-solving skills. He counsels corporate boards and senior corporate management on litigation and matters before they reach litigation and takes great pride in finding innovative and cost-effective solutions to the most challenging, sophisticated, and varied legal problems.

Recognized by his clients and colleagues alike for his innate ability to establish immediate rapport, credibility, and trust, Jeff is known for his truly novel approach to dispute resolution, his

multidimensional understanding of the industries he serves, and his undeniably successful track record of favorable results on behalf of the firm's clients.

Jeff consistently delivers practical counsel through every stage of every litigation. Rather than wait until the eve of trial to consider every option with his client, Jeff visits his client's options throughout the life of a matter. He has tried cases from open to close, and understands every facet of the litigation, including trials and appeals, as well as various alternative dispute resolution processes.

Jeff strives to provide advice that maximizes his client's chances of a favorable outcome while minimizing the impact on their bottom line and is committed to balancing the cost of litigation with desired results. He is personally committed to establishing relationships of trust not only with his clients and their constituents, but also with judges, juries, arbitrators, and mediators who ultimately hold the fate of the client in their hands.

Jeff served in the U.S. Marine Corps from 1988 to 1992.

Experience

Class Actions

Keeter v. Gerber Products Co., No. 1:21-cv-00269, E. D. Va. (2022)

Obtained order dismissing plaintiffs' claims that the Company falsely advertised its products by not disclosing the presence of certain heavy metals.

Racies v. Quincy Bioscience, LLC, Case No. 4:15-cv-00929-HSG, N.D. Cal.

Tried to a jury a case alleging violations of California's Unfair Competition Law and Consumer Legal Remedies Act. After three days of deliberation, the jury advised the Court that it was deadlocked and a mistrial was declared. Pending before the Court are a motion to decertify the class and a motion for judgment as a matter of law. In addition to *Racies*, Jeff is currently defending the company in an action brought by the Federal Trade Commission and five tag-along class actions in various courts around the country.

San Pedro-Salcedo v. and The Häagen-Dazs Shoppe Company, Inc., Case No. 5:17-cv-03504-EJD, N.D. Cal.

Successfully defeated plaintiff's motion for class certification in Telephone Consumer Protection Act matter alleging transmission of hundreds of thousands of text messages.

Zakaria v. Gerber Products Co., No. 15-cv-00200, C. D. Ca. (2015)

Obtained order decertifying class and obtained summary judgment, which was affirmed by the Ninth Circuit Court of Appeals (*Zakaria v. Gerber Products Co.*, 15-cv-00200 (JAK), 2017 WL 9512587, at *20 (C.D. Cal. Aug. 9, 2017); *aff'd* No. 17-56509, — Fed. Appx. —, 2018 WL 5977897 (9th Cir. Nov. 14, 2018)).

Hite v. Lush Internet Inc., No. 15-cv-1533, D.N.J. (2016)

Successfully defended a cosmetics company in a class action alleging violations of the New Jersey Truth in Consumer, Contract, Warrant and Notice Act resulting in the dismissal with prejudice of a putative class action.

Werthe v. Gerber Products Company, No. 3:14-cv-08216, D. Ariz. (2014)

Obtained dismissal of a putative class action alleging claims of false advertising relating to infant formula.

Goldfarb v. Accera, Inc., No. 14-13704-CA 40, 11th Judicial Circuit, In and For Miami-Dade County, Florida (2014)

Obtained the dismissal of a putative class action filed in Florida state court against a specialty food company alleging a claim for unjust enrichment and violations of the Florida Deceptive and Unfair Trade Practices Act.

Scheuerman v. Nestlé Healthcare Nutrition, Inc., 2012 WL 2916827 (D.N.J.)

Obtained a summary judgment against the plaintiffs' California, New Jersey and Pennsylvania statutory fraud claims and a negligent misrepresentation claim in a false advertising action relating to a nutritional drink product.

Smellie v. Nestlé Healthcare Nutrition, Inc., No. 10 31562 (25) (Fla. 17th Jud. Cir. Ct.)

Defeated a plaintiff's motion to certify a class of Florida purchasers of the defendant's nutritional supplement drink product in a false advertising action alleging violations of Florida's consumer protection statute.

Kaffko v. R2J2 Studios, LLC, 1:13-cv-05342, N.D. Ill. (2013)

Successfully obtained the dismissal of a putative class action seeking millions of dollars in damages based on an allegation that the firm's client violated the TCPA prohibition on prerecorded calls.

McNair v. Synapse Group, Inc., 672 F.3d 213 (3rd Cir. 2012)

The Third Circuit affirmed the trial court's decision denying the plaintiffs' motion for class certification in a putative class action involving claims of consumer fraud, breach of contract, fraud and unjust enrichment.

Nat'l Consumers League v. Nestlé Healthcare Nutrition, Inc., No. 0005772-10 (D.C. Super. Ct. Feb. 23, 2011)

Obtained the dismissal of a false advertising action asserting violations of the District of Columbia's Consumer Protection Procedures Act.

Routinely represents companies accused of violating Title III of the Americans With Disabilities Act in putative class actions alleging that the companies' websites are not accessible to blind and visually-impaired people.

Regularly represents companies accused of false advertising in putative class actions.

Currently representing several companies in putative class allegations actions violations of the Telephone Consumer Protection Act.

Represented Novartis Consumer Health in connection with a series of actions involving claims that NCH's over-the-counter cold and sinus medications caused strokes. At the conclusion of the deposition of one of the plaintiffs, counsel for the plaintiff delivered a stipulation of dismissal based on evidence developed during the deposition.

Represented United States Steel Corporation in connection with product liability claims involving solvents made with benzene. Kelley Drye conducted an early deposition of one of the plaintiffs, which resulted in a dismissal of the claims.

Levine v. 9 Net Ave., Inc., No. A-1107-00, 2001 WL 34013297 (App.Div. June 7, 2001)

Defended a Web-hosting company in a putative class action seeking \$150 million in statutory damages under the Telephone Consumer Protection Act. Obtained rulings in both the trial and appellate courts barring class certification.

Kelly Brown, et al. v. Novartis Consumer Health, Inc., et al., MID-L-10238-01 MT (Sup. Ct. of N.J.)
Obtained the dismissal of a plaintiff's case at the conclusion of the deposition of one of the plaintiffs; counsel for the plaintiff delivered a stipulation of dismissal based on evidence developed during the deposition.

C. Bruce Rideout, et al. v. Safety-Kleen Corporation, et al., 03-2171 (WJM) (D.N.J.)
Obtained a dismissal of the plaintiff's case after conducting an early deposition.

Bankruptcy

Represented the debt holders in the Calpine Corporation bankruptcy cases in the Southern District of New York and the Court of Queen's Bench in Calgary, Alberta.

Represented the debt holders in the bankruptcy proceedings of Adelphia Communications Corporation and Silicon Graphics, Inc. in the Southern District of New York. Both cases concluded with favorable recoveries for the firm's clients.

Special Investigations

Conducted a special investigation for the audit committee of the board of directors of a publicly traded financial services company. Work on this matter included extensive interviews, document review and research of the relevant legal issues raised in connection with the investigation, with presentations to the committee.

Conducted a special investigation for the audit committee of a large health care system located in the Northeast relating to certain advice that the client received from its auditors. Work on this matter included witness interviews and document review and research of the relevant legal issues. Representation concluded with a presentation to the committee.

Other Significant Matters

Sotheby's International Realty, Inc. v. Donald Deutsch, et al., 650078/2011, Supreme Court of New York, County of New York
Successfully obtained a judgment on behalf of a real estate brokerage company following a trial that spanned several months. The trial court's judgment was affirmed on appeal in a decision issued by the Appellate Division, First Department. The defendants' motion to file an appeal with the New York Court of Appeals was denied.

National Group for Communications and Computers Ltd. v. Lucent Technologies Int'l, Inc., 2004 WL 1825228 (D.N.J.)
Successfully obtained the dismissal of a novel \$92 million future lost profit claim under the law of Saudi Arabia (Shari'a).

Regularly represents major financial institutions and lenders in cases alleging consumer fraud and claims of unfair lending practices.

Represented a major consumer drug manufacturer in several product liability class actions, one of which resulted in dismissal of the plaintiff's case immediately following her deposition.

Obtained a dismissal on behalf of a major U.S. retailer in several multimillion-dollar breach of lease cases.

Represented a creditors' committee during the bankruptcy of one of the world's largest air cargo companies. Representation involved litigation relating to debtor-in-possession financing issues and the retention of major aircraft leases.

Represented a major telecommunications company in the prosecution of a breach of contract action in federal court, resulting in a judgment for the client.

Represented a major consumer health products company in defending mass-tort claims arising out of a cough-cold product.

Defended a major electronics manufacturer against claims of breach of contract and breach of the covenant of good faith and fair dealing. Argued a motion for summary judgment that disposed of all but one minor claim. The matter ultimately settled on favorable terms for the firm's client on the first day of trial.

Represented a domestic flavor company and its employee against claims of theft of trade secrets and confidential information.

Prosecuted several breach of contract actions on behalf of an international real estate brokerage company.

Honors

Jeff was selected in 2022-2024 for inclusion in the Commercial Litigation area as one of *The Best Lawyers in America*® (Woodward/White, Inc.). A description of the selection methodology can be found at www.bestlawyers.com/methodology.

Recognized as a leading practitioner by *US Legal 500*, a Legalease Publication, for his work in the area of Product Liability, Mass Tort and Class Action: Consumer Products, 2020-2023. A description of the selection methodology can be found at www.legal500.com/assets/pages/about-us/how-it-works.html#rank.

No aspect of this advertisement has been approved by the Supreme Court of New Jersey.

Community

Volunteer coach and former board member of a youth travel ice hockey program.

Related Services

Consumer Class Action Defense
Advertising and Marketing
Commercial Litigation
Telephone Consumer Protection Act (TCPA) Defense
Litigation
PFAS and Emerging Contaminants
Technology
ADA Website Accessibility
Cannabis
Food and Drug

Education

Seton Hall University School of Law, J.D., 1995
• cum laude

The University of Chicago, M.A., 1991
Eastern Nazarene College, B.A., 1985

Admissions

New Jersey, 1995
New York, 1996

Courts

U.S. Court of Appeals–Third Circuit
U.S. Court of Appeals–Ninth Circuit
U.S. District Court–District of New Jersey
U.S. District Court–Southern District of New York
U.S. District Court–Eastern District of New York
U.S. District Court–Northern District of New York
U.S. District Court–Western District of New York
U.S. District Court–Northern District of Illinois
U.S. District Court–Central District of Illinois