



Jaclyn M. Metzinger

Partner

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About

Complementing formidable advocacy skills with well-honed case management abilities, Jaclyn Metzinger provides robust and effective defense representation in complex consumer class actions, false advertising claims, employment matters, and a wide range of other commercial and civil litigation cases in state and federal courts.

Her aptitude for seeing the broad landscape and business implications of sprawling class actions while delving deep into each case's details has helped Jaclyn amass an impressive track record of positive results.

A New York Metro *Super Lawyers* "Rising Star," Jaclyn leads and serves on litigation teams defending claims with hundreds of millions of dollars at stake. Her ability to quarterback large, multidimensional, and multi-district litigation facilitates the development and implementation of case strategies designed to protect her clients' financial, reputational, and strategic interests.

Much of Jaclyn's practice includes large class action suits, where she is involved in all phases of case preparation and management, ranging from pre-certification motion practice and discovery to class certification motions, expert discovery, hearings, and trial.

Jaclyn strives to identify and mitigate potential exposure to class action claims and other multi-claimant proceedings. On many occasions, she has helped obtain early dismissals and denials of class certification. Her clients span a broad spectrum of industries, including those in the food and beverage, dietary supplement, and personal care and cosmetics sectors.

Jaclyn also leverages her experience with consumer claims to defend clients in investigations and enforcement proceedings by the FTC and State AGs. She also assists clients in commercial litigation, life insurance disputes, and employment matters.

For six years, Jaclyn acted as co-chair of Women At KDW, an affinity group dedicated to enhancing the professional development of women attorneys at the firm. She organized quarterly training, networking, business development, and community service events for women attorneys both in the New York office and across the firm.

Jaclyn also maintains an active pro bono practice, including matters involving election and voting rights, prisoner's rights, reproductive health care issues, and family law disputes.

Experience

Consumer Class Action and False Advertising

Currently defending a dietary supplement company in an enforcement action brought by the Federal Trade Commission and the New York Attorney General's office. Jaclyn also defended six tag-along class actions filed across the country making similar allegations. One such class action alleging violations of California's Unfair Competition Law and Consumer Legal Remedies Act was tried to a jury in the Northern District of California and, after three days of deliberation, the jury advised the Court that it was deadlocked. After a mistrial was declared, the Court granted the defendants' motion to de-certify the class and the case was voluntarily dismissed. See *Racies v. Quincy Bioscience, LLC*, 2020 WL 2113852 (N.D. Cal. 2020). Obtained a favorable resolution of all six class actions after the *Racies* matter was dismissed.

Successfully defended a multinational consumer goods company against a false advertising class action in the Southern District of New York alleging that the company falsely markets certain personal care products as "hypoallergenic" and "tear-free." Kelley Drye prevailed on the plaintiffs' motion to dismiss on grounds of standing, personal jurisdiction, and failure to plead, and subsequently defeated the plaintiffs' motion for leave to re-plead. See *Wiggins v. Unilever U.S., Inc.*, 684 F. Supp. 3d 127 (S.D.N.Y. 2023).

Represented an infant nutrition company in a lawsuit filed by the FTC alleging that infant formula advertising claims violated Section 5 of the Federal Trade Commission Act, and reached a favorable resolution without any payment from the company. Jaclyn has also defended the company in six "piggy back" class actions alleging breach of warranty, intentional and negligent misrepresentation, unjust enrichment, and violation of various state consumer fraud and false advertising statutes. In one such action, Kelley Drye obtained summary judgment and decertification of a class of California consumers on the grounds that the named plaintiff failed to prove individual or class-wide damages. The decision was affirmed by the Ninth Circuit. See *Oula Zakaria v. Gerber Products Co.*, 2017 WL 9512589 (C.D. Cal. 2017); aff'd 755 Fed. App'x 623 (9th Cir. 2018). After the affirmance, a related action pending in the Northern District of Illinois was voluntarily dismissed with prejudice. Three class actions remain pending.

Lead counsel securing pre-answer dismissal on behalf of Berkshire Hathaway subsidiary, Wellfleet New York Insurance Company, of a putative nationwide class action alleging breach of contract, fraud, violation of the New York Insurance Law, and unjust enrichment. The complaint alleged that thousands of requests for preauthorization of medical goods, services, treatments, or prescription drugs were improperly denied under various group health insurance policies. Plaintiff's claims were dismissed as barred by the statute of limitations. See *Ahmed v. Cigna Health Mgmt., Inc. et al.*, 2024 WL 3345819 (S.D.N.Y. July 8, 2024).

Represented a national pet product manufacturer and retailer in five consolidated putative nationwide class actions alleging consumer fraud and other related claims concerning insecticides used in flea and tick control products. Obtained a nominal settlement and dismissal of individual claims prior to class action certification after extensive motion practice. See *Arlandson v. Harz Mountain Corporation*, 792 F. Supp. 2d 691 (D.N.J. 2011). Also obtained the dismissal of a related putative class action and individual product liability action on the grounds that the claims were preempted by the Federal Insecticide Fungicide Rodenticide Act ("FIFRA"). See *Wilgus v. Hartz Mountain Corporation*, 2013 WL 653707 (N.D. Ind. 2013); *Smith v. Hartz Mountain Corporation*, 2012 WL 5451726 (N.D. Ohio 2012).

Obtained pre-answer dismissal of two putative false advertising class actions related to pima cotton in the Southern District of New York against our client, an American publicly traded fashion company. See *Miramontes v. Ralph Lauren Co.*, 2023 WL 3293424 (S.D.N.Y. May 5, 2023); *Carter v. Ralph Lauren Corp.*, 683 F. Supp. 3d 400, 2023 WL 4684559 (S.D.N.Y. 2023).

Obtained a pre-answer dismissal of a putative nationwide class action challenging the propriety of terms in a global document services company's standard equipment lease agreement. The dismissal was affirmed on appeal to the Second Circuit. See *King's Choice Neckwear, Inc. v. Pitney Bowes, Inc.*, 2009 WL 5033960 (S.D.N.Y. 2009), *aff'd* 396 Fed. App'x 736 (2d Cir. 2010).

Commercial Litigation

Represented a national testing laboratory and its affiliate at the U.S. Court of Appeals for the First Circuit, which vacated a seven figure judgment against the laboratory and dismissed a claim that they breached a licensing agreement. See *General Hospital Corp. et al. v. Esoteric Genetic Laboratories, LLC et al.*, 16 4th 304 (1st Cir. 2021).

Defended television production company and sports and entertainment representation firm in the Southern District of New York and related AAA arbitration against claims for breach of contract, copyright infringement, breach of fiduciary duty, misappropriation of ideas, and related claims in connection with a children's television series featuring star NFL quarterback Cam Newton. Obtained a full dismissal of all claims after five-day arbitration hearing.

Obtained a summary judgment award of specific performance on behalf of a real estate developer against a seller and a subsequent purchaser of the same property. See *17 West 127th Street Partners LLC v. Baruch Realty et al.*, 2017 N.Y. Slip. Op. 74731(U) (Sup. Ct. N.Y. County 2017).

Prosecuted a claim for breach of a license agreement on behalf of a life sciences company, which alleged that its licensee had sold product beyond the scope of its limited license. The matter settled on favorable terms after the conclusion of fact discovery.

Assisted in a medical equipment supplier's defense against a claim for tortious interference with a contract. Obtained a pre-answer dismissal on personal jurisdiction grounds.

Successfully represented a real estate investment trust in its assertion of breach of contract claims relating to its purchase of a commercial office building. Obtained First Circuit reversal of the District Court's grant of summary judgment to the seller. See *Wells Real Estate Investment Trust II v. Chardon/Hato Rey Partnership, S.E.*, 615 F.3d 45 (1st Cir. 2010).

Represented luxury automobile dealership in dispute over brokerage commission.

Insurance Litigation

Lead trial counsel in successful defense of life insurance company in action filed by institutional, secondary owner of a life insurance policy attempting to enforce a misstatement of age in a Holocaust survivor's life insurance application. The plaintiff's request for declaratory relief was denied in full after a three-day bench trial. See *Wilmington Trust, N.A. v. Herman Segal and John Hancock Life Insurance Company of New York*, Case 1:21-cv-01540-PKC-TAM (E.D.N.Y. 2025).

Obtained a summary judgment dismissal on a policy owner's claim for wrongful cancellation of \$13 million life insurance policy. Jaclyn presented oral argument in support of the motion.

Lead counsel in securing summary judgment dismissal of RICO claim alleging that national life insurance company conspired with promoters and insurance brokers in connection with the sale of insurance policies to be used as investment vehicles for employer welfare benefits plan under Section 419 of the tax code. *See Hausknecht v. John Hancock Life Insurance Company of New York*, 614 F. Supp. 3d 168 (E.D. Pa. 2022).

Obtained a pre-discovery summary judgment rescinding a life insurance policy for breach of a condition precedent. The decision was affirmed on two motions for renewal and/or reargument and on appeal by the New York Appellate Division, Second Department. *See John Hancock Life Insurance Company of New York v. Hirsch*, 24 Misc. 3d 1214(A), 897 N.Y.S.2d 670 (N.Y. Sup. Ct. Westchester County 2009), *aff'd* on reargument 2010 WL 3462088 (N.Y. Sup. Ct. Westchester County 2010), *aff'd* 77 A.D.3d 710, 909 N.Y.S.2d 519 (N.Y. App. Div. 2d Dep't 2010).

Regularly represents life insurance company in interpleader actions involving conflicting claims to policy benefits.

Labor and Employment

Received a full defense jury verdict rejecting the plaintiff's claims that she was subject to a hostile work environment based on race and national origin, and that she was retaliated against for complaining about the alleged discrimination.

Defeated a class certification in two related putative class actions of nursing assistants at a New York hospital claiming that they were not properly paid for pre-shift, meal break and post-shift work under the New York Labor Law. *See David v. Winthrop-University Hospital Association*, 2015 N.Y. Slip. Op. 32468(U) (N.Y. Sup. Ct. Queens County 2015).

Assisted in the defense of a New York Catholic high school against an employee's claims for defamation, wrongful termination, prima facie tort and loss of consortium. Obtained a summary judgment dismissal of the case, which was subsequently affirmed by the New York Appellate Division, Second Department. *See Melious v. Besignano et al.*, 125 A.D.3d 727 (N.Y. App. Div. 2d Dep't 2015).

Regularly represents clients in single plaintiff employment discrimination lawsuits and administrative actions based on age, gender, race, disability and national origin.

Pro Bono

Jaclyn has worked on several pro bono matters, including representing domestic violence victims in order of protection, child custody, and uncontested divorce matters.

Partnering with Lawyers for Good Government to maintain current database of state case law, legislation and regulation relating to reproductive rights.

Represented the mother of a child who had been sexually abused at the hands of her natural father for many years. Jaclyn became involved in the case after the father was held in contempt of court for repeatedly violating an order of protection prohibiting all contact with the child. Jaclyn obtained an affirmance of the contempt order from the New York Appellate Division, First Department.

Represented a former prison inmate who was sexually assaulted by a correctional officer in a negligent supervision action against the State of New York and an assault and battery action against the correctional officer in his individual capacity.

Honors

Recommended in *US Legal 500* for her work in the area of Product Liability, Mass Tort and Class Action: Consumer Products, 2022-2024 and Marketing and Advertising Litigation, 2024-2025.

Named to *Benchmark Litigation's* 2022 and 2023 "40 and Under List" and to their 2026 "Litigation Future Star List."

Selected to New York Metro *Super Lawyers* "Rising Stars," 2014-2023.

Legal Aid Society Pro Bono Publico Award, 2013 and 2017.

inMotion Commitment to Justice Legal Team Award, 2010.

Affiliations

American Bar Association

National Association of Women Lawyers

For six years, Jaclyn acted as co-chair of Women At KDW, an affinity group dedicated to enhancing the professional development of women attorneys at the firm. She organized quarterly training, networking, business development, and community service events for women attorneys both in the New York office and across the firm.

Volunteered as a polling place monitor and call center representative in the non-partisan Election Protection program for the 2008 and 2012 presidential elections through The Lawyers' Committee for Civil Rights Under Law.

Related Services

Consumer Class Action Defense

Commercial Litigation

Advertising and Marketing

Employment Litigation

Life Insurance, Annuity and Health Insurance

Litigation

Make America Healthy Again (MAHA) and Ultra-Processed Foods (UPFs)

State Attorneys General

Trade Secrets and Restrictive Covenants

Education

Benjamin N. Cardozo School of Law, J.D., 2008

- cum laude
- Cardozo Moot Court Honor Society: executive board and senior brief editor

Fordham University-College at Lincoln Center, B.A., 2005

- magna cum laude

Admissions

New York, 2009

Courts

U.S. Court of Appeals-First Circuit

U.S. Court of Appeals-Second Circuit

U.S. Court of Appeals-Ninth Circuit

U.S. Court of Appeals–Eleventh Circuit
U.S. District Court–Southern District of New York
U.S. District Court–Northern District of New York
U.S. District Court–Eastern District of New York
U.S. District Court–Northern District of Illinois
U.S. District Court–Northern District of Ohio