



Partner

## Leslie A. Brueckner

California  
1999 Harrison Street  
Suite 660  
Oakland, CA 94612  
T: 510.272.8000 F: 510.463.0291  
lbrueckner@baileyglasser.com

Leslie A. Brueckner helps lead Bailey Glasser's national Appellate and Supreme Court Practice Group, which handles appeals in virtually every substantive legal area, including commercial, constitutional, consumer (Fair Credit Reporting Act, TCPA, debt collection, "pay to pay" schemes, and more), antitrust, bankruptcy, class actions, environmental, international law, ERISA, ESOP, bank fraud, personal injury, mass tort, federal preemption, arbitration, and criminal law. Leslie focuses her practice on cutting-edge appellate representation as well as assisting trial teams with legal issues in complex litigation.

As an appellate advocate with over 35 years of experience, Leslie has argued a wide range of federal and state constitutional, statutory, tort, and consumer law matters in federal and state courts throughout the country, including winning numerous unanimous decisions from the California and United States Supreme Courts (Leslie's recent winning argument before the California Supreme Court in *Noel v. Thrifty* can be accessed via [this link](#)).

Leslie is an integral part of Bailey Glasser's litigation teams, helping to develop legal strategies and dispositive motions at the trial level in high-stakes cases that raise complex questions of federal or state law. Additionally, she strategically works with trial teams to ensure that key legal arguments are properly presented and preserved for appeal. Whether briefing and presenting oral argument, or providing consulting services for trial lawyers handling or anticipating an appeal, Leslie and Bailey Glasser's appellate practice team strengthen our clients' presentations to trial and appellate courts across the United States.

Leslie is a *magna cum laude* graduate of Harvard Law School and *summa cum laude* graduate of the University of California, Berkeley.

Before joining Bailey Glasser, Leslie was a senior attorney for nearly three decades with Public Justice, a national non-profit legal advocacy organization protecting consumers, employees, civil rights, and the environment.

Leslie has successfully handled appellate matters in many areas of the law including:

- Class actions
- Constitutional law
- Federal preemption
- Mass torts
- Consumer rights
- Combating court secrecy

In addition to her litigation work, Leslie has taught appellate advocacy at the Georgetown University Law Center and the American University, Washington College of Law.

When not practicing law, Leslie is active in issues and organizations concerning animal welfare, civil rights and social action, and human rights. At Public Justice, she founded the organization's *Food Project*, which uses strategically targeted litigation to reform the structural and institutional inadequacies in American's food system.

## **Awards & Accolades**

Pro Bono Achievement Award (Animal Legal Defense Fund)

Women's Consumer Advocate of the Year Award (Consumer Attorneys of California)

Appellate Advocacy Award (Pound Civil Justice Institute)

Dale Haralson Fallout Award (Western Trial Lawyers Association)

Finalist for Appellate Lawyer of the Year Award (Consumer Attorneys Association of Los Angeles)

## **Practice Areas**

Appellate and Supreme Court Practice

Arbitration & Dispute Resolution

Business Litigation & Counseling

Catastrophic Personal Injury

Class Actions

Commercial Litigation

Consumer Litigation

Environmental

Personal Injury & Product Liability  
Product Liability

## Education

J.D., Harvard Law School, magna cum laude  
A.B., University of California, Berkeley, summa cum laude

## Admissions

California  
U.S. Supreme Court

## Representative Matters

- Lead appellate counsel in *Sprietsma v. Mercury Marine* (2002), a unanimous U.S. Supreme Court decision on behalf of man whose wife was killed when she was repeatedly struck by an unguarded boat propeller. In a rare decision affirming tort victims' rights to hold manufacturers accountable for dangerous products, the Court held that the Federal Boat Safety Act does not preempt state common-law claims against a boat engine manufacturer for failing to install a propeller guard on the engine of a recreational motorboat (Leslie's oral argument in *Sprietsma* can be accessed via this link).
- Co-lead appellate counsel in *Geier v. American Honda Inc.* (2000), a U.S. Supreme Court decision finding, by a 5-to-4 vote, that federal law impliedly preempts claim that car was defective because it lacked an airbag but that federal law does not expressly preempt any state law claims.
- Co-counsel in *Freightliner v. Myrick* (1995), a unanimous U.S. Supreme Court decision finding that federal law does not preempt design-defect claim against truck manufacturer for failing to install anti-lock brakes in trucks.
- Co-lead appellate counsel in *Monsanto v. Hardeman* (9th Circuit May 2021), the first (and to date only) federal appellate decision in the country affirming the rights of cancer victims to sue Monsanto for injuries caused by Roundup. In upholding an \$80 million jury verdict on behalf of Ed Hardeman (later reduced to \$25 million), the Ninth Circuit rejected Monsanto's argument that failure-to-warn claims involving Roundup are preempted by federal law, paving the way for thousands of other victims to obtain justice from Monsanto.
- Lead counsel in *Cherry v. Dometic Corp.* (11th Cir. January 2021), which restored the viability of class actions in the Eleventh Circuit by rejecting a "heightened" ascertainability standard that required proof, at class certification, that all class members can be identified in an administratively feasible fashion without the use of self-identifying affidavits. Leslie's oral

argument in *Cherry* can be accessed via this link.

- Lead appellate counsel in *Noel v. Thrifty* (CA Supreme Court 2019), which yielded a unanimous class action ruling from the California Supreme Court rejecting a strict version of the so-called “ascertainability” requirement and restoring the viability of consumer and worker class actions against wrongdoing corporations. Leslie’s oral argument can be accessed via this link.
- Co-lead counsel before the California Supreme Court in *H. v. Novartis*, holding that brand-name drug manufacturers can be sued for failing to warn of the dangers of mislabeled, generic versions of their drugs. The decision rejected over 100 reported appellate decisions from state and federal courts nationwide. Leslie and co-counsel Ben Siminou were awarded the Pound Civil Justice Institute’s 2018 Appellate Advocacy Award for their work on the case.
- Lead counsel in *Quesada v. Herb Thyme Farms, Inc.*, a unanimous decision upholding consumers’ rights to bring a class action against an organic grower for mislabeling its conventionally grown herbs as “organic.” The decision remains the only appellate decision in the country to hold that federal law—the Organic Food Production Act of 1990—does not preempt state consumer fraud claims on behalf of individuals who were defrauded by the use of the “USDA organic” label on conventionally grown food.
- Co-counsel for plaintiffs in a series of lawsuits successfully challenging so-called “ag-gag” laws that seek to criminalize whistleblowing in animal agriculture and elsewhere.
- Co-lead appellate counsel in *S. Airways v. McCutchen* (U.S. Court of Appeals for the Third Circuit and U.S. Supreme Court), an ERISA reimbursement case yielding a landmark ruling from the federal appellate court limiting the rights of an ERISA plan to recover medical expenses from an injury victim who obtained compensation from a third party.
- Co-lead appellate counsel in *CGI v. Rose* (U.S. Court of Appeals for the Ninth Circuit), an ERISA reimbursement case yielding a unanimous ruling from the U.S. Court of Appeals for the Ninth Circuit limiting the rights of an ERISA plan to recover medical expenses from an injury victim who obtained compensation from a third party.
- Lead appellate counsel in *Southern California Gas Leak Cases* (CA Supreme Court 2019), a class action lawsuit arising out of the biggest methane gas well leak in United States history. Leslie’s rebuttal argument in the case can be accessed via this link.
- Lead appellate counsel in *McNair v. Johnson & Johnson* before the West Virginia Supreme Court of Appeals on whether brand-name prescription drug manufacturers can be held liable for injuries caused by generic versions of their drugs.
- Counsel for the Center for Food Safety in *Animal Legal Defense Fund v. Wasden* (U.S. Court of Appeals for the Ninth Circuit), a successful challenge to an Idaho “ag-gag” law that criminalized undercover recording in industrial agricultural facilities, including factory farms and slaughterhouses.

- Co-counsel for the Animal Legal Defense Fund in *National Meat Association v. Harris* (U.S. Supreme Court), an effort to preserve a California law designed to prevent the abuse of pigs and other livestock who become non-ambulatory on the way to the slaughterhouse.
- Lead counsel in *Drelles v. MetLife* (U.S. Court of Appeals for the Third Circuit), a federal appeal yielding a unanimous ruling that consumers who opted all of their claims out of a nationwide class action settlement with Metropolitan Life Insurance Company (MetLife) cannot be barred from fully prosecuting their individual cases against the company.
- Lead counsel in *Priester v. Ford Motor Company* (South Carolina Supreme Court), a federal preemption appeal on behalf of the mother of a young man who died when ejected from a passenger truck during a rollover accident.
- Co-counsel in *Aguayo v. U.S. Bank* (U.S. Court of Appeals for the Ninth Circuit), a federal preemption appeal holding that federal banking law does not preempt state debt-collection laws.

## News & Insights

U.S. Supreme Court Rejects Appeal By Monsanto In Victory for Roundup Cancer Victims  
06.21.2022

U.S. Solicitor General Sides With Cancer Victims In Appeal of \$80 Million Roundup Verdict  
05.11.2022

Bailey Glasser Adds Appellate Lawyer and Leader Leslie Brueckner to National Appellate and Supreme Court Practice Group  
04.06.2022