



## Bethany Gayle Lukitsch

Partner

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### PRACTICES

Antitrust and Trade Regulation

Antitrust Litigation and Government  
Investigations

Environmental, Products and Mass Tort  
Litigation

Food Safety

Class Action

Commercial Litigation

Discovery Counsel Services

Toxic Torts

Data Privacy and Security

Business Antitrust Counseling, Audits and  
Compliance Programs

### INDUSTRIES

Food and Beverage

Life Sciences

Retail

Bethany currently serves as one of the co-chairs of the firm's class action practice. She has over 15 years of experience litigating class actions and complex litigation, including the defense of antitrust matters, consumer class actions, mass tort and product liability claims, and commercial disputes. Bethany represents global clients, including Fortune 100 companies and product manufacturers, as national counsel in federal and state courts around the country and has significant first chair and liaison counsel experience in complex civil and class action litigation and multidistrict litigation. She frequently prepares internal client witnesses for testimony, interacts with expert witnesses and counsels clients regarding complex discovery proceedings, including international discovery and data privacy issues.

Bethany taught Appellate Advocacy at the University of Richmond's T.C. Williams School of Law for four semesters from 2005-2009. Her curriculum included persuasive appellate writing and effective appellate oral advocacy. While she earned her law degree from the University of Richmond, she was honored as a member of the McNeill Law Society and served as manuscripts editor of the law review.

Bethany is an avid cyclist and triathlete in her time away from the office. She has completed three long distance triathlons (Lake Placid, Coeur d'Alene and Florida) along with numerous shorter distance races.

### EXPERIENCE

#### RESULTS DEPEND ON A VARIETY OF FACTORS UNIQUE TO EACH CASE. PRIOR RESULTS DO NOT GUARANTEE OR PREDICT A SIMILAR OUTCOME.

- Represents Lumber Liquidators Inc. in over 100 putative class actions consolidated for pre-trial purposes in the Eastern District of Virginia. Cases allege the Chinese manufactured laminate floors contained excessive levels of formaldehyde in violation of CARB standards and seek damages under various state consumer protection statutes and negligent and fraudulent misrepresentation theories.
- Defense of polyurethane foam manufacturer in direct purchaser and indirect purchaser antitrust class actions and opt-out litigation stemming from allegations of price-fixing and market allocation.
- Representation of ConAgra Foods, Inc. as liaison counsel in multidistrict and state court litigation involving several hundred individual and purported class action lawsuits alleging Salmonellosis from the consumption of one of its products. Defeated class certification, awarded summary judgment and dismissals in more than 100 individual cases and effectively implemented coordinated national discovery procedures.
- National counsel for power tool manufacturer in toxic tort cases and domestic and international discovery matters.
- Won summary judgment against the State of New Hampshire for handheld outdoor power tool manufacturer in declaratory judgment matter regarding the state's new dealer laws. Summary judgment upheld on appeal to the NH Supreme Court.
- Defended handheld outdoor power tool manufacturer in prominent California wildfire

litigation.

- Defended a NYSE-traded insurance company in complex antitrust litigation involving alleged violations of federal antitrust laws and state consumer protection statutes.
- Representation of manufacturer client in the prosecution of UCC breach of contract and indemnity claims against a component part manufacturer.
- Defense of Fortune 100 company in multidistrict class action and opt-out antitrust litigation involving the vitamins industry in the U.S. District Court for the District of Columbia and various state courts.
- Defense of automotive manufacturer in Lemon Law, warranty and contract actions in Virginia state court. Litigated one matter to a defense verdict; won directed verdict and summary judgment in two other matters and defended one of those judgments on appeal to the Supreme Court of Virginia.

## EDUCATION

- University of Richmond School of Law, JD, cum laude, Manuscripts Editor and Member, *University of Richmond Law Review*, 1998
- The College of William & Mary, BS, BA, 1994

## ADMISSIONS

- Virginia
- California
- U.S. Court of Appeals for the 6th Circuit
- U.S. District Court for the Eastern District of Virginia

## HONORS

- Named to "Virginia Rising Stars," Civil Litigation Defense, Personal Injury Defense: Products, Business Litigation, Super Lawyers, Thomson Reuters, 2007, 2009

## EVENTS

- Panelist, "Consumer Class Actions and Product Labeling: Consumer Protection or Opportunism?," "Aligning Interests & Optimizing Outcomes in Class Action Litigation," [Class Action Money & Ethics 2017](#), May 2017
- Speaker, "U.S. and International Antitrust Hot Topics," [Hot Topics in Antitrust Compliance and Enforcement](#), McGuireWoods Seminar, December 2016
- Panelist, "A Strategic Look Back at the 2016 Term," [U.S. Supreme Court Class Action Review](#), McGuireWoods LLP Webinar, November 2016
- Co-chair and speaker, [Bridgeport's Class Action Litigation Conference 2016](#), April 2016
- Speaker, "Problems in Class Certification - Navigating the Swamp," [Antitrust Law & Economics Institute for Judges](#), October 2015

## AFFILIATIONS

## Bethany Gayle Lukitsch

- Member; Chair, 2003-2004; Co-chair, 2001-2003, Admissions and Orientation Committee, Virginia State Bar
- Member, Defense Research Institute
- Member, Antitrust Division, American Bar Association

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