



Jane Metcalf

Partner

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Jane Metcalf is a Partner in the Firm's Litigation department. Her practice focuses on complex commercial litigation, with an emphasis on false advertising, intellectual property, class-action defense, and litigation involving FDA-regulated products. She also advises clients in internal investigations and in responding to inquiries and subpoenas from government and regulatory agencies.

Prior to joining the Firm, Ms. Metcalf served as a law clerk to the Hon. Paul G. Gardephe in the United States District Court for the Southern District of New York, and to the Hon. Raymond J. Lohier, Jr. in the United States Court of Appeals for the Second Circuit.

Representative Matters

Obtained dismissal of putative false-advertising consumer class action alleging that a best-selling soft drink was misleadingly labeled. Successfully argued appeal of the dismissal, resulting in a Second Circuit opinion setting forth the rigorous pleading standards applicable to claims under New York's consumer protection laws.

Obtained summary judgment on behalf of chocolate company in putative class action alleging that product packaging contained unlawful "slack fill."

Successfully defended broadband cable provider in competitor's application for an injunction against TV and internet advertisements.

Advised a leading online services company in responding to an inquiry from the New York Attorney General's Office concerning a potential security vulnerability in its smartphone application.

Representing pet food manufacturer in a fraud case against its ingredient suppliers.

Representing leading pharmaceutical manufacturer in a putative class action alleging deceptive pricing practices.

Representing a leading beverage manufacturer in several putative false-advertising class actions in federal court involving the labeling of ingredients in soft drinks.

Represented chocolate company in trademark litigation in federal court, culminating in settlement.

Regularly represent broadband cable provider in false-advertising matters before the NAD.

Patterson Belknap

Successfully represented a cosmetics company in an appeal to the Federal Circuit in a case involving the enforcement of FDCA requirements under state law, obtaining a decision that narrowed the district court's injunction against the sale of client's product from 50 states to one state.

Successfully obtained dismissal of a Sarbanes-Oxley whistleblower complaint against a Fortune 500 media company.

Representing, *pro bono*, a class of homeless youth in New York City against the City for failure to provide appropriate youth homeless shelter.

Education

- University of Michigan Law School (J.D., *magna cum laude*, 2010)
 - Order of the Coif
 - Clarence Darrow Scholar
 - Associate Editor, *Michigan Journal of Race & Law*
- Yale University (B.A., *magna cum laude*, 2006)
 - Phi Beta Kappa

Admissions

- U.S. Courts of Appeals, Second Circuit; Fifth Circuit; Ninth Circuit; Federal Circuit
- U.S. District Court, Southern and Eastern Districts of New York
- New York