



Joshua Kipnees

Partner

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Joshua Kipnees is a Partner in the firm's Litigation department. His practice focuses on false advertising litigation and government and internal investigations. Mr. Kipnees has represented clients in the food and beverage, insurance, pharmaceutical, cosmetics, and financial industries in both state and federal courts. Mr. Kipnees has also led dozens of internal investigations for pharmaceutical and medical device companies involving regulatory and compliance reviews. He also co-edits the firm's food, drug, and cosmetic false advertising blog, [Misbranded](#).

He is recognized by *Chambers USA 2023* in the area of Advertising: Litigation. Clients quoted in *Chambers* describe him as "excellent – very intelligent" and say "he has good judgment and is a very high level strategic and tactical thinker who provides practical advice." Mr. Kipnees has also been recognized in *The Legal 500's* 2023 rankings in the area of Advertising and Marketing: Litigation. Client testimonials for *The Legal 500* describe him as "the partner you want on retainer and the first call you make when hit with a challenging legal issue." Mr. Kipnees has also repeatedly been named to *Benchmark Litigation's* "40 & Under Hot List," which recognizes practitioners who "are among the top young talent in their respective communities in the U.S. & Canada." He is also recognized as a "Client Service All-Star" by The BTI Consulting Group. This list recognizes attorneys that corporate counsel have singled out as "stand[ing] above all the others in delivering the absolute best in client service."

From 2009 to 2010, Mr. Kipnees served as Law Clerk to Chief Justice Rabner, New Jersey Supreme Court, and from 2010 to 2011, he served as Law Clerk to the Hon. Leonard I. Garth, U.S. Court of Appeals for the Third Circuit.

Representative Matters

False Advertising

Defending leading cosmetics companies against putative class action claims of false advertising, including successfully securing multiple recent dismissals and class decertification.

Successfully represented major beverage company in defense against Lanham Act false advertising claims, obtaining jury verdict that naming and labeling of company's product did not mislead consumers.

Successfully secured nationwide preliminary injunction for leading animal-health company against false advertisements claiming inferiority of dairy products from cows treated with company's supplement.

Defended prominent electrical lighting manufacturer in Lanham Act competitor dispute.

Defended manufacturer of consumer products in Lanham Act competitor dispute regarding labeling of wound-care products.

Investigations

Representing global healthcare company in internal and government investigations relating to potential FCA, FCPA, and compliance issues.

Represented members of sales and trading desks at major international bank in connection with federal investigation regarding sale of securities.

Commercial Litigation

Secured substantial recovery, including \$131 million default judgment, on behalf of a leading global pharmaceutical company against networks of healthcare providers that defrauded company's free-drug program.

Representing financial-guaranty insurer in variety of lawsuits involving governance and administration of student loan-backed securities.

Successfully secured judgment following bench trial for multinational pharmaceutical company in tariff dispute with U.S. Customs confirming company's blockbuster drug can be imported duty-free.

Representing and advising clients regarding litigation and potential claims involving successor and vicarious liability.

Pro Bono

Representing New York City students with disabilities in proposed class action seeking implementation of process for awarding compensatory services due to educational losses during pandemic.

Assisted VAWA petitioner in obtaining green card.

Secured favorable settlement for former tenants in suit against landlord for property damage caused by fire.

Successfully obtained sentence reduction for defendant challenging his criminal conviction on appeal.

In the Media

Daily Business Review, "[Florida Judge Awards Gilead Sciences \\$131M Judgment](#)" (March 2023)

The Guardian, "[Tostitos Hint of Lime has Zero Lime – but It's Still the Perfect Chip](#)" (April 20, 2022)

Popular Science, "[Evidence Shows Juul Illegally Marketed Vaping as Safer than Smoking](#)" (September 10, 2019)

Law 360, "[What The Experts Said About High Court Rulings This Term](#)" (June 30, 2017)

Admissions

- U.S. Court of Appeals, Second Circuit; Third Circuit; Federal Circuit
- U.S. District Court, Southern District of New York; Eastern District of New York; District of New Jersey
- U.S. Court of International Trade
- New York
- New Jersey

Publications

- [“Where Meat-Free Labeling Stands As 5th Circ. Mulls State Law”](#), *Law360* (April 12, 2023)
- Co-Author, [“Pending FDA Cosmetics Review Allows Class Action Defense”](#), *Law360* (February 3, 2023)
- Three-Part Article Series for the *National Law Journal* on Adapting to Remote Proceedings in the Post-Pandemic Era
 - [Part I: Pre-Trial Proceedings](#) (July 14, 2021)
 - [Part II: Depositions](#) (July 15, 2021)
 - [Part III: Trials](#) (July 16, 2021)
- [“After Joint Juice, Questions On NY Statutory Awards Remain”](#), *Law360* (November 23, 2022)
- [NY’s New Marijuana Law: Implications for False Advertising and Products Liability Lawsuits](#), *New York Law Journal* (May 26, 2021)
- [INSIGHT: Implications of Covid-19 for Catastrophe Bond Litigation](#), *Bloomberg Law* (July 17, 2020)
- [High Court Puts An End To Unfair Asset Forfeiture](#), *Law360* (June 8, 2017)

Education

- Harvard Law School (J.D., 2009)
 - Executive Editor, *Blackletter Law Journal*
- Harvard University (B.A., *magna cum laude*, 2006)

Speaking Engagements

- "Incorporating Lessons from Recent Advertising Claims Class Actions Into Your Future Claims Substantiation Strategy," ACI's 7th Annual Legal, Regulatory, and Compliance Forum on Advertising Claims Substantiation (February 8, 2024)