

Anne Marie Ellis

Orange County, California
Shareholder

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Areas of Practice & Industry Specialties

Products Liability Law; Litigation; Environmental Law Practice; ADA Title III; Sports Industry Law; Chemical Law & Prop 65; Automotive; Cannabis & Hemp Industry Law Group; Apparel & Consumer Products

Anne Marie Ellis is the California Chair of Buchalter's Products Liability Practice Group. She concentrates on product liability defense, personal injury and commercial litigation, general liability, regulatory compliance, and client counseling.

Whether defending claims as trial counsel, managing risks associated with allegations of catastrophic injuries and wrongful death, or establishing strategies to prevent and defend California's Proposition 65 claims, Anne Marie has a reputation for practicality and efficiency in complex, high exposure investigations, litigation, trials and regulatory matters. Prevailing in state and federal courts across the country, Anne Marie has a complex litigation background that includes class actions and every phase of litigation and trial. She is well versed on e-discovery and preservation of trade secrets and confidential information.

Anne Marie also spends considerable time helping clients prevent litigation and apply best practices to comply with regulatory obligations. She is a frequent author and presenter to legal and industry audiences. Recently, Anne Marie has been advancing the discussion around trends in PFAS claims and compliance with Prop 65. She offers extensive experience managing California Proposition 65 compliance as well as defending private enforcement cases.

Regulatory Compliance and Pre-Litigation Counsel

In her counsel to many regulated businesses, Anne Marie advises and guides on matters involving state and federal agencies including the U.S. Food and Drug Administration and Consumer Product Safety Commission, including internal investigations, product recalls, and a range of compliance issues. Her litigation-prevention guidance and advice addresses:

- Recalls and Investigations
- Supply Chain Issues
- Warranty Reviews
- Releases/Waivers
- Warnings and Labels
- User Manuals and Other Regulatory Obligations

Anne Marie has also helped clients fight back against Consumer Legal Remedies Act, false advertising, unfair business practices shakedown suits and similar claims. She also routinely defends lawsuits and claims involving Title III of the ADA, and corresponding California statutes including the Unruh Civil Rights Act, for brick-and-mortar stores and website accessibility.

Should a crisis arise, Anne Marie is familiar with the best practices to contain and control risks and works closely with company leadership to implement a powerful, early defense.

Advising Clients Across Industry Sectors

Anne Marie represents national and regional manufacturers, retailers, distributors, importers, franchisors, and direct selling companies, among others. Her additional experience across a variety of industries and issues includes:

- Amusement Park Venues
- Apparel and Textiles, Jewelry, and Accessories
- Arborists
- Automotive, including Autonomous Vehicles and Emerging Technologies
- Cannabis
- Chemicals (restricted and regulated) and Pesticides, PFAS, and Other Toxic Torts
- Children's Products, Toys and Care Devices, and Clothing
- Consumer Appliances
- Cosmetics, Health and Wellness, and Dietary Supplements
- Food and Hospitality
- Medical Devices and Pharmaceuticals
- Restaurants
- Sporting Goods and Fitness Equipment, Recreational and Outdoor Products
- Trash and Recycling Haulers
- Wildland Fires

Professional Involvement

Anne Marie brings her litigation and regulatory depth to a variety of industry groups, such as:

- Executive Committee General Interest Representative, Hockey Equipment Certification Council Inc., which is a 501(c)(3) non-profit organization that seeks out, evaluates and selects standards and testing procedures for hockey equipment.
- Member, International Consumer Product Health and Safety Organization (ICPHSO) which is an international, neutral forum for product safety stakeholders to learn, network and share information.
- Sustaining member, Product Liability Advisory Council (PLAC), a prestigious trade association at the forefront of helping product manufacturers, retailers and suppliers stay abreast of legal and regulatory issues.
- Member, Sports and Fitness Industry Association (SFIA) Legal Task Force.

Representative Matters

- Secured dismissal of a putative class action in the U.S. District Court for the Central District of California, in a case alleging that USA Football and others were liable for decedent's concussions incurred while playing youth football. The Court granted Buchalter's client, USA Football's Motion to Dismiss for Lack of Subject Matter Jurisdiction based on Lack of Article III Standing and Failure to State a Claim.
- Secured Summary Judgment and a full dismissal for our client, a national hardware store chain, in an ADA disability access lawsuit brought in the Central District of California before Judge Cormac J. Carney. The Motion for Summary Judgment was granted on the grounds that Plaintiff lacked standing to sue because the conditions complained of complied with all applicable federal regulations for disability access. This victory came after months of back-and-forth with a Plaintiff's counsel that consistently shifted the grounds on which the lawsuit was brought, and was granted over the Plaintiff's request to amend the complaint to raise new allegations.

- Obtained summary judgment on behalf of contract manufacturers and retailers of personal care products in a Proposition 65 lawsuit, on the grounds that the Certificate of Merit was defective due to the product being tested, purchased and sold outside the state of California where Prop. 65 does not apply.
- Secured dismissal of action alleging negligent design, negligent failure to warn, strict liability manufacturing defect, design defect, strict liability failure to warn, negligence, and gross negligence in the California Superior Court for the County of Orange on a Motion to Dismiss based on Forum Non Conveniens.
- Obtained summary adjudication on a negligent infliction of emotional distress claim in a product liability/personal injury action.
- Secured dismissal of action alleging violations of the Unruh Civil Rights Act, the Bane Act, the Disabled Persons Act, and intentional infliction of emotional distress in the California Superior Court for the County of Orange on a Motion for Summary Judgment.

Publications

- Communications Decency Act Developments in Light of Roland, Taamneh, and Gonzalez, May 10, 2023
- Online Only Retailers Have a New Defense Against Website Accessibility Claims in California, *Buchalter Client Alert*, November 17, 2022
- What Calif. Personal Injury Law Change Means For Defendant, *Law360*, December 6, 2021
- Mid-Year Check-Up: California's Prop 65 Continues To Evolve and Pose Burdens on Businesses, *The Recorder*, June 18, 2021
- NHTSA Rule Offers Hope, Caveats For Replica Vehicle Makers, *Law360*, March 10, 2021
- Major Changes Coming to Prop 65 "Short-Form" Warnings, *Buchalter Client Alert*, February 2, 2021
- Why Proposition 65 has a disproportionate effect on arts and crafts, *Los Angeles Daily Journal*, November 23, 2020
- The Cannabis Industry is Ripe for Enforcement, *Cannabis Business Executive*, September 22, 2020
- Bracing for Increased Cannabis Enforcement Under Prop 65, *Bloomberg Law*, July 24, 2020
- Federal Court Prohibits Prop 65 Warning on Glyphosate-based Herbicides, *Buchalter Client Alert*, June 26, 2020
- Accelerating Regulatory Reform For Replica Vehicles, *Law360*, May 26, 2020
- The Marijuana Industry is Ripe for Enforcement Under Prop. 65, *Chemical Law & Prop 65 Buchalter Blog*, May 12, 2020
- Prop. 65 Filings Are Not Slowing Down Despite The Pandemic, April 15, 2020
- Prepare For Personal Injury Litigation In The Age Of COVID-19, *Law360*, April 7, 2020
- Buchalter Client Alert COVID-19: California Local Court Orders Regarding Closure, *Buchalter Client Alert*, March 31, 2020
- Prop 65 Chemical Labeling Litigation: Trends And Predictions, *Law360*, February 19, 2020
- Updates on California's Proposition 65 for 2020, *Buchalter Blog*, January 15, 2020
- Prop. 65 updates for the summer!, *Buchalter*, July 5, 2019
- Proposition 65 Updates: A Sampling Of Notices Of Violation Filed in 2019, A Cautionary Tale For Environmental Warnings, and Meeting The February 28th Deadline, *Buchalter Client Alert*, February 11, 2019
- Have a holly, jolly and Prop. 65 compliant Christmas!, *Buchalter*, December 14, 2018
- Prop 65 Compliance Gets More Complicated, *Law360*, November 26, 2018

- Environmental Health News: New Proposition 65 Rules Are Now In Effect, *Buchalter Health Care Newsletter*, October 23, 2018
- PROP 65 UPDATE: Where the Chips are Falling Six Weeks Later, *Buchalter Client Alert*, October 17, 2018
- What's Next for Prop. 65?, *Buchalter Client Alert*, September 13, 2018
- Trends Since the New Prop 65 Requirements Went Into Effect, *Buchalter Client Alert*, September 7, 2018
- A Primer on the New Requirements of Proposition 65, *Buchalter Client Alert*, June 29, 2018
- Questions of Impartiality Result in a Finding of Violation of Due Process for Zen Magnets, *Buchalter*, June 14, 2018
- A Brief Guide to the Replica Motor Vehicle Exemption to Federal Safety Standards in the Face of Implementation Delays, *Buchalter*, May 17, 2018
- Youth Football Bans are Decreasing in Interest, May 3, 2018
- Changes For Youth Football In California And Beyond, *Law360*, March 28, 2018
- New Calif. Law Will Change Youth Sports Concussion Cases, *Law360*, March 22, 2017
- Don't Eat That, It's Expired! — Grocery Industry Adopts Standards For "Best if Used By" Labeling, *Law360*, March 15, 2017

Presentations

- Speaker, "PFAS: A Scientific, Legal, and Regulatory Overview of Risk, Trends, and Best Practices," Webinar, December 1, 2022
- Speaker, "Accident Scene: Best methods and strategies for investigating, documenting, measurement of scenes and how to litigate these cases," My Law CLE Live Video Broadcast, October 28, 2022
- Speaker, "What the 2022 CA Personal Injury/Survival Law Change Means to Defendants," mylawCLE, January 25, 2022
- Presenter, "Conducting Business in California: Privacy Requirements, Wearables and the Future of Laws," Sports & Fitness Industry Association, October 14, 2021
- Presenter, "What the Cannabis Industry Needs to Know About Prop. 65 and Significant Changes Taking Effect in 2021," PLAC, December 8, 2020
- Panelist, "New Prop. 65 Hurdles Facing the Marijuana and Alcohol Industry," Prop. 65 Annual Conference, September 21, 2020
- Host, "Structuring Supply Chain Agreements: New Guidance on Prop 65 Compliance," Strafford Live Webinar, December 11, 2019
- Speakers, "Hot Topics for Business: What a Company Should Know for 2019," Buchalter Orange County Office, April 2, 2019
- Speaker, "Structuring Supply Chain Agreements: New Guidance on Prop 65 Compliance," Strafford Webinar, December 4, 2018
- Speaker, "Anne Marie Ellis, Speaker at the SEMA Annual Education Show," Las Vegas, NV, October 31, 2018
- Speaker, "Webinar: Youth Sports: Concussion Concern, Injury Analysis and Compliance with California's New Concussion Law," June 8, 2017

Webinars

- "Strafford Webinar: New Prop 65 Amendments: Supply Chain Compliance Policies, Proposed Changes to Regulations, Industry Trends and Chemicals of Concern," December 14, 2021
- "Webinar: News and Updates on Prop 65 a Year After the Big Changes," October 15, 2019

- "Webinar: Return to Play: Update on Youth Sports and Concussions," March 20, 2019
- "Webinar: What Every Business Needs to Know About Significant Changes to Proposition 65 Coming in August," July 12, 2018
- "Speaker, "Webinar: California's Youth Concussion Law AB-2007: Best Practices for your Youth Sports Organization", " February 21, 2018
- "Speaker, "Webinar: Youth Sports: Concussion Concern, Injury Analysis and Compliance with California's New Concussion Law", " June 8, 2017

Education

Ms. Ellis earned her J.D. at Seton Hall University School of Law in 2002, where she was a member of the *Sports Law Journal*, and her B.A. in English at the University of California, Berkeley in 1999.

Bar Admissions

- California

Court Admissions

- Supreme Court of California
- US District Court, Northern District of California
- US District Court, Central District of California
- US District Court, Southern District of California
- US District Court, Eastern District of California
- United States Court of Appeals for the Ninth Circuit

Community

- Former Board and Advisory Board Member of WHW, which merged with Working Wardrobes.
- Member of the Founders Guild of Casa Teresa and has fundraised for various projects to assist the women and children they serve.