

Rachael M. Trummel

Partner

Rachael is a member of the firm's general litigation group and automotive group.

General Litigation

Rachael's general litigation practice is focused primarily on class action defense and other complex litigation. Rachael regularly counsels and represents clients on a wide range of matters, including those involving consumer fraud, product liability, health care fraud, breach of contract, breach of warranty, and unjust enrichment claims. She has successfully defended numerous class actions and other high stakes litigation matters in state and federal courts around the country. Representative matters include:

- Successful defense of large luxury goods manufacturer and distributor in putative class action involving claims of consumer fraud, product liability, breach of warranty, and negligence relating to alleged presence of lead in cosmetic products – defendant's motion to dismiss granted; no class certified.
- Successful defense of large luxury goods manufacturer and distributor in putative class action involving claims of statutory fraud and unfair trade practices relating to the marketing and sale of certain artworks – obtained summary judgment on dispositive issues, prompting favorable settlement; no class certified;
- Successful defense of large soft drink manufacturer in putative class actions involving consumer fraud and other tort claims relating to the alleged insufficiency of the manufacturer's disclosure of ingredients in soft drink product – class certification denied in all actions, prompting plaintiffs to abandon lawsuits;
- Successful defense of large retail pharmacy in putative class actions involving consumer fraud, common law fraud, contract, and warranty claims relating to the pharmacy's prescription drug labeling practices – defendant's motions for summary judgment granted in all actions; no class certified;



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Practices

- Automotive Group
- Litigation

Education

- Vanderbilt University Law School, J.D., 1998
- The University of Chicago, B.A., 1993

Bar & Court Admissions

- State of Illinois
- State of Missouri
- District of Columbia
- U.S. Court of Appeals - 7th Circuit
- U.S. District Court - Northern District of Illinois
- U.S. District Court - Southern District of Illinois
- U.S. District Court - Eastern District of Missouri
- U.S. District Court - Western District of Missouri
- U.S. District Court - District of Columbia

- Successful defense of numerous health care systems and hospitals in putative class actions involving consumer fraud, contract, and unjust enrichment claims relating to hospital billing practices affecting the uninsured – defendants' motions for judgment on the pleadings and/or for summary judgment granted in all actions; no class certified;
- Successful prosecution of contribution claim by large consumer products company against equipment manufacturer and cleaning contractor for liability arising out of industrial accident – obtained \$1 million judgment after 2-week jury trial; and
- Successful representation of large industrial REIT in \$50 million lawsuit involving termination of purchase agreement for certain real property portfolio -- obtained summary judgment for client on dispositive issue, prompting favorable settlement.

Automotive Practice

Rachael regularly counsels and represents automobile manufacturers and related entities in judicial and administrative proceedings across the country. Such matters include disputes relating to the establishment and termination of dealers, the enforcement of manufacturer corporate identity standards, including facility requirements, and manufacturer allocation methods and bonus programs.

Representative matters include:

- Successful defense of automobile manufacturer in numerous fast-track arbitrations challenging the rejection and termination of certain dealer agreements during bankruptcy proceeding;
- Successful defense of captive finance company in administrative proceeding involving claims that company's financing policies unlawfully discriminated between branded and non-branded add-on products;
- Successful defense of automobile manufacturer in administrative proceeding involving claims of unlawful termination based on breach of dealer agreement covenants relating to minority ownership;
- Representing automobile manufacturer in action involving claims of fraud and breach of contract relating to the alleged insufficiency of covenant not to compete underlying to market consolidation agreement – matter pending; and
- Representing automobile manufacturer in action by dealer challenging termination based on dealer's failure to comply with facility renovation obligation under dealer agreement – matter pending.

Rachael is also committed to community service and the life of the firm. Rachael chairs the firm's Diversity Committee, which is responsible for not only promoting diversity within the firm, but for sponsoring and overseeing the firm's community service efforts. As Diversity Chair, Rachael leads the fundraising program for the BFKN Foundation, which provides the necessary financial support for most of the firm's community service activities. Rachael also continues her commitment to diversity and community service through active involvement in the firm's Women's Committee and Recruiting

Committee.

Professional Activities and Honors

- Member, American Bar Association
- Member, Defense Research Institute
- Founding Member, Women's Leadership & Mentoring Alliance
- Member, Women's Leadership Forum, DNC
- Member, Chicago Foundation for Women
- Supporter, The Women's Treatment Center
- Editor, The Vanderbilt Journal of Transnational Law