

## Elizabeth Holt Andrews

Counsel

San Francisco Raleigh

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Elizabeth is lead appellate counsel for high-stakes and complex matters across the firm's practices, including financial services, insurance, employment, construction, and general business litigation. With more than 20 years of trial and appellate experience, she helps position clients for success throughout the litigation lifecycle.

### OVERVIEW

Elizabeth is an accomplished trial and appellate advocate who is a go-to appellate resource for colleagues in her own Consumer Financial Services Practice Group as well as in many other practice groups across the firm. As a licensed California appellate specialist, she has handled dozens of appeals across the U.S., including more than 50 cases in the Ninth Circuit and more than 100 in the California state appellate courts. Elizabeth also offers deep experience in the Fourth Circuit and the North Carolina appellate courts.

Elizabeth has handled the full range of consumer financial services disputes, including class actions. She litigates matters involving the Truth in Lending Act, the Real Estate Settlement Procedures Act, the Telephone Consumer Protection Act, the Fair Debt Collection Practices Act, the Fair Credit Reporting Act, the California Homeowner's Bill of Rights, California's Rosenthal Act, various states' UCL/UDAP statutes, and more. Elizabeth represents participants throughout the sector, including loan originators, mortgage servicers, furnishers of credit information, background screening companies, national banks, and other financial institutions.

Elizabeth is frequently asked to assist litigation teams at trial with issue preservation and with drafting pleadings and briefs in support of dispositive motions, class certification matters, motions in limine, and other mission-critical events in the life of a lawsuit or arbitration. She also represents business clients in connection with contract claims, business torts, managed health care disputes, privacy-related disputes, and a wide variety of state and federal constitutional issues.

Elizabeth is a member of the firm's West Coast Recruiting Committee and serves as pro bono general counsel to the Board of the San Francisco Girls Chorus.

### REPRESENTATIVE MATTERS

- Defended a large national bank in the New Jersey appellate courts in a dispute over third-party subpoena compliance.
- Represented an insurance company and an insured business in connection with an appeal from a personal injury verdict in California state appellate court.

- Represented a financial services client in an appeal from an order denying a motion to compel arbitration in the Court of Appeals of the District of Columbia.
- Represented a mature startup in a California state appellate court in an appeal of order denying a motion to compel arbitration.
- Represented a financial services client in an appeal from an order denying a motion to compel arbitration in the Illinois state appellate courts.
- Represented a business client in connection with contract-related disputes in federal court in Illinois.
- Defended a credit card issuer before the American Arbitration Association over alleged violations of the Fair Credit Reporting Act.
- Obtained an order vacating, as void, a multimillion-dollar default judgment obtained against a client in California state court after demonstrating an improper service of process.
- Represented a prime contractor in a high-dollar construction dispute with subcontractors in federal court in Maryland in a case involving both contract and tort issues.
- Represented a construction company in a breach of contract dispute in federal court in Colorado.
- Successfully defended an order compelling arbitration in federal court in Maine.
- Assisted a prominent structural engineering firm with third-party subpoena compliance in California state court.
- Represented a veteran pro bono in the Federal Circuit in connection with a dispute over the appealability of orders denying motions to waive further fact finding in order to expedite benefits determinations.
- Represented insurance client in the Ninth Circuit in connection with coverage dispute between two insurers over maritime accident.
- Defended trade secrets lawsuit brought against startup client in the Northern District of California.
- Represented insurance client in the Ninth Circuit in connection with coverage dispute involving genetic engineering of seeds.
- Defended multiple cases on behalf of bank clients in FCRA lawsuits in the Eastern District of California.
- Represented mortgage lender in elder abuse action in California state court.
- Represented business client in breach of contract and unfair competition lawsuit in Northern District of California.
- Represented banks in multiple Ninth Circuit appeals involving individual consumer litigation.
- Represented casino client in breach of contract appeal in Virginia Court of Appeals.
- Represented bank client in successfully opposing petition for review in Virginia Supreme Court.
- Represented bank client in the Fourth Circuit in connection with consumer appeal involving allegations of wire fraud, elder abuse, and negligence.
- Obtained full reversal of an adverse jury verdict and attorney fee award out of Los Angeles Superior Court in a whistleblowing employee case brought against a restaurant client.
- Defended a health care insurer in a negligence and wrongful death case in California state appellate court.
- Filed numerous amicus letters and amicus briefs in California Supreme Court on behalf of various companies and trade groups in the background screening industry.
- Represented background screening company in connection with writ petition in California state appellate court following adverse demurrer ruling, including oral argument.
- Represented manufacturer of face masks in contract dispute in California state appellate court.
- Represented client in connection with breach of contract dispute involving gas station operations in California state appellate court.
- Represented a group of veterans and their family members pro bono in the Federal Circuit Court of Appeals.
- Defended a health care insurer in a multimillion-dollar arbitration brought by a major California health care provider.
- Defended background screening company in lawsuit in federal district court in the Northern District of California.

- Represented mortgage servicer in connection with defending appeal of a summary judgment order in the Fourth Circuit Court of Appeals.
- Represented large retailer as local counsel in several intellectual property disputes in federal district court in the Northern and Central Districts of California.
- Represented an insurance client in connection with coverage for a personal injury lawsuit in the Ninth Circuit Court of Appeals.
- Represented a private client in connection with high-stakes easement dispute in California state appellate court.
- Represented an insurance client in Hawai'i state appellate court in connection with coverage for an employment-related lawsuit.
- Represented an insurance client in California state appellate court in connection with asbestos coverage litigation dating back more than twenty years.
- Represented a mortgage loan servicing client in connection with alleged violations of the Fair Credit Reporting Act in the Fourth Circuit Court of Appeals.
- Represented a background screening client in connection with a dispute over personal jurisdiction in the Fourth Circuit Court of Appeals.
- Represented a background screening client in connection with a writ petition involving a statutory interpretation issue of first impression in California state appellate court.
- Represented a managed care client in connection with a negligence dispute in California state appellate court.
- Represented a managed care client in arbitration in connection with a contract dispute.
- Represented a private client in the restaurant industry in connection with an employment-related dispute in California state appellate court, as well as handling post-judgment motions in superior court following a jury trial.
- Defended a debt collector client in consumer class action dispute in federal district court in North Carolina.
- Represented employer client in California state appellate court, successfully obtaining reversal of trial court order denying employer's motion to compel arbitration. *D'Avella v. Overhill Farms, Inc.*, No. B303644, 2021 WL 4958910 (Cal. Ct. App Oct. 26, 2021).
- Argued an issue of first impression before the Ninth Circuit involving the statute of limitations for rescission claims under the federal Truth In Lending Act. *Hoang v. Bank of America, N.A.*, 910 F.3d 1096 (9th Cir. 2018).
- Briefed and argued appeal of summary judgment grant in foreclosure-related consumer lawsuit in which the Court of Appeal dismissed the case at respondent's request without discussing the merits, citing opposing counsel's "egregious violations of basic appellate norms." *Ewald v. Nationstar Mortgage LLC*, 13 Cal. App. 5th 947 (Cal. Ct. App. 2017).
- Secured dismissal of a federal consumer lawsuit alleging violations of the Fair Credit Reporting Act, California Consumer Credit Reporting Agencies Act, and California Rosenthal Fair Debt Collection Practices Act, in the process obtaining an order rejecting plaintiff's theory that consumers in all states may sue under California's credit reporting laws based solely on the California-based location of the defendant's headquarters.
- Played a key role in the negotiation of a multimillion dollar global settlement arising from multi-venue litigation over post-acquisition escrow account.
- Drafted summary judgment motion in putative class action involving challenge to multiple clients' statewide foreclosure sale practices in Hawai'i.

## AWARDS

- *Best Lawyers in America*®: Appellate Practice (2025-2026)

## TOP AREAS OF FOCUS

- Appellate + Supreme Court
- Class Action

- Consumer Financial Services
- Financial Services Litigation
- Managed Care Payor Disputes, Investigations + Regulatory Counseling
- Marketing + Advertising
- Payments + Financial Technology

## **ALL AREAS OF FOCUS**

- Appellate + Supreme Court
- Class Action
- Consumer Financial Services
- Digital Assets + Blockchain
- Financial Services
- Financial Services Litigation
- Litigation + Trial
- Managed Care Payor Disputes, Investigations + Regulatory Counseling
- Marketing + Advertising
- Payments + Financial Technology

## **PROFESSIONAL/COMMUNITY INVOLVEMENT**

- Master of the Bench, Bay Area Appellate American Inn of Court
- Pro Bono General Counsel, San Francisco Girls Chorus
- Member, Executive Committee of the Appellate Section, Bar Association of San Francisco
- Community Legal Aid SoCal Advocacy Advisory Council
- American Bar Association, Council of Appellate Lawyers, Litigation & Business Law Sections
- Financial Women of San Francisco
- Federal Bar Association
- California Lawyers Association, Litigation Section
- North Carolina Bar Association, Litigation & Appellate Practice Sections

## **PROFESSIONAL EXPERIENCE**

- Research assistant, Professor S. Elizabeth Gibson, University of North Carolina School of Law, 2002-2004

## **EDUCATION AND CERTIFICATIONS**

### **EDUCATION**

- University of North Carolina School of Law, J.D., 2004, James E. & Carolyn B. Davis Society; articles editor, *North Carolina Law Review*; Chief Justice, Law School Honor Court
- College of William & Mary, B.A., *magna cum laude*, 2000

### **BAR ADMISSIONS**

- California
- North Carolina

## **COURT ADMISSIONS**

- Supreme Court of the United States
- U.S. Court of Appeals, Federal Circuit
- U.S. Court of Appeals, Third Circuit
- U.S. Court of Appeals, Fourth Circuit
- U.S. Court of Appeals, Sixth Circuit
- U.S. Court of Appeals, Ninth Circuit
- U.S. District Court, Central District of California
- U.S. District Court, Eastern District of California
- U.S. District Court, Northern District of California
- U.S. District Court, Southern District of California
- U.S. District Court, Eastern District of North Carolina
- U.S. District Court, Middle District of North Carolina
- U.S. District Court, Western District of North Carolina
- California State Courts
- North Carolina State Courts

## **CLERKSHIPS**

- Hon. Richard Seeborg, U.S. District Court, Northern District of California, 2009-2010
- Hon. Lacy H. Thornburg, U.S. District Court, Western District of North Carolina, 2007-2009
- Hon. Mark D. Martin, Supreme Court of North Carolina, 2006-2007
- Hon. Martha A. Geer, North Carolina Court of Appeals, 2004-2006

## **SPEAKING ENGAGEMENTS**

- Panelist, “Appellate Standards of Review,” Bay Area Appellate American Inn of Court, November 2025.
- Speaker, “Civil Appellate Practice Nuts and Bolts: Appeal Bonds and Stays,” Bar Association of San Francisco, September 2023.
- Speaker, Attorney Career Panel, Business Law Society, University of California, Davis, School of Law, September 2023.
- Speaker, “United States Supreme Court Update and Review 2022-2023 Term,” Dominion Energy, Richmond, VA, August 2023.
- Speaker, “United States Supreme Court Update and Review 2022-2023 Term,” Association of Corporate Counsel — Georgia Chapter, February 2023.
- Speaker, “United States Supreme Court Update and Review 2022-2023 Term,” Troutman Pepper CLE, January 2023.
- Guest speaker, “Pretrial Civil Written Discovery: Theory, Practice, and Procedure Seminar,” University of California, Berkeley, School of Law, October 2022, October 2023.
- Speaker, “United States Supreme Court Update & Review,” Association of Corporate Counsel — San Diego Chapter, October 2021.
- Speaker, “United States Supreme Court Update & Review,” Troutman Pepper Consumer Financial Services Monthly Webinar, June 2021.

- Speaker, “Insights From the Bench: Significant Court Decisions Affecting the Pipeline Industry,” Association of Oil Pipe Lines Annual Business Conference, September 2020
- Speaker, “U.S. Supreme Court Update and Review,” Troutman Pepper, June 30, 2021.
- Speaker, “United States Supreme Court Update and Review,” Troutman Sanders San Francisco MCLE Day, January 2020.
- Speaker, “2018 Banking & Financial Services Appellate Roundup,” San Francisco Bank Attorneys Association, November 5, 2018.
- Speaker, “*Hoang v. Bank of America, N.A.*,” Monthly Webinar, California Mortgage Bankers Association, Fall 2018.

## PUBLICATIONS

- Co-author, “McLaughlin Chiropractic Associates, Inc. v. McKesson Corp.: An Early Look at the Waning Power of the Administrative State Post-Chevron,” *Consumer Litigation Newsletter*, American Bar Association, February 3, 2025.
- Podcast, “Recent Developments in California’s Arbitration Landscape,” *FCRA Focus*, January 7, 2025.
- Co-author, “Troutman Pepper Publishes 2023 Consumer Financial Services Year in Review and A Look Ahead,” *Troutman Pepper*, February 1, 2024.
- Author, “Practice Point: Tips for Oral Argument in Consumer Litigation,” *Consumer Litigation Committee Newsletter*, American Bar Association, August 25, 2022.
- Co-author, “Remembrance of Things Past: Can a Newly Enacted Statute Provide for a Retroactive Award of Attorney Fees?,” *Bar Association of San Francisco’s Legal by the Bay blog and CLE Bulletin*, September 10, 2021.
- Co-author, “Professional Civility Is Essential in the Pandemic,” *US Law Week*, Bloomberg Law, Sept. 30, 2020.
- Author, “*Bristol-Myers Squibb Co. v. Superior Court*: Will California Be the New Forum of Choice for Nationwide Class Actions?,” *SideBar*, Federal Litigation Section of the Federal Bar Association, Spring 2017.

## MEDIA COMMENTARY

- Mentioned, “SCOTUS Declines to Decide Missouri Corporation’s Question of International Comity and State Law,” *Troutman Pepper Locke*, March 10, 2025.
- Quoted, “Picasso Preschool Lease Renewed,” *Coastside News*, February 21, 2025.
- Quoted, “A Great Dissenter: Justice Henry E. Needham Is Often Vindicated by the State Supreme Court,” *Daily Journal*, April 14, 2021.
- Quoted, “Work-Life Imbalance: Pandemic Disruption Places New Stresses on Women Lawyers,” *ABA Perspectives*, December 2020.