



Jeannine M. Kenney

Experience

Jeannine joined the firm upon its inception in 2009, and her practice focuses primarily on private enforcement of federal and state antitrust laws.

Jeannine brings to her legal work nearly two decades of experience in public policy spanning a wide range of legislative and regulatory fields, including agriculture, food safety, telecommunications, and financial services, among others, advocating for the public interest and consumers. For nearly five years, she worked as a legislative assistant for two United States Senators. As a Senior Policy Analyst for Consumers Union, publisher of *Consumer Reports*, she advocated for consumer interests before Congress and federal agencies, testifying before congressional committees, appearing as a speaker at Federal Trade Commission events, and presenting oral and written testimony to federal regulatory agencies. Jeannine also served as an appointed member of two federal advisory committees related to pesticide safety. Between stints at Consumers Union, she served as the Vice President of Domestic Affairs for the National Cooperative Business Association, representing member-owned consumer, producer, and purchasing cooperatives. From 2010 to 2011, Jeannine clerked for the Honorable Cynthia M. Rufe, United States District Court Judge, Eastern District of Pennsylvania.

Jeannine is adept and experienced in managing all aspects and phases of e-discovery, the complex process of discovering and producing electronically stored information (ESI). She routinely navigates detailed, complex and contentious ESI issues from dispute to resolution, including briefing and arguing e-discovery motions when necessary. A member of the Sedona Conference's Working Group on Electronic Document Retention and Production, Jeannine counsels Hausfeld's litigation teams in negotiations relating to preservation, search, and production of ESI in cases often involving dozens of defendants, negotiates ESI search terms, technology assisted review (predictive coding) methodologies, and database disclosures and productions, and manages complex document reviews using advanced review analytics to speed discovery.

Clients

Jeannine's clients range a gamut of industries and include payors of generic drugs, direct purchasers of eggs and potatoes, insurance subscribers, and student athletes, among others.

PRACTICE AREAS

Antitrust / Competition



PARTNER



PHILADELPHIA



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- *In re Foreign Exchange Benchmark Rates Antitrust Litig.* – Alleging a conspiracy among leading financial institutions to manipulate the foreign exchange market, in which Hausfeld serves as co-lead interim counsel and has obtained more than \$2.1 billion in settlements to date.
- *In re Generic Digoxin and Doxycycline Antitrust Litig.* – Representing a class of end-payers alleging generic drug manufacturers and marketers conspired to unlawfully inflate the price of critical medications.
- *In re Domestic Airline Travel Antitrust Litig.* – Alleging major airlines conspired to reduce capacity to artificially inflate the price of domestic air travel, in which Hausfeld serves as interim co-lead counsel.
- *In re Blue Cross Blue Shield Antitrust Litig.* – Representing subscribers alleging dozens of Blue Cross Blue Shield entities entered into an unlawful agreement not to compete, in which Hausfeld serves as co-lead counsel and discovery chair; Jeannine works primarily on e-discovery in the matter.
- *In re Processed Egg Products Antitrust Litig.* – Representing egg purchasers alleging egg producers and distributors entered into an unlawful agreement to restrict egg supplies, in which Hausfeld serves as co-lead counsel and has obtained nearly \$60 million in settlements to date, secured class certification of a shell egg class, and obtained summary judgment that eliminated a primary affirmative defense.
- *In re Fresh and Process Potatoes Antitrust Litig.* – Alleging more than 24 potato growers, distributors, and processor defendants entered into an unlawful agreement to restrict potato supplies to inflate the price. Hausfeld chaired the 10-member Plaintiffs' Executive Committee and secured a groundbreaking ruling on a novel question of law undermining a key defense in the case, ultimately obtaining a global settlement of nearly \$20 million and significant injunctive relief. Jeannine managed the 20-plus defendant case from discovery through resolution, including all e-discovery matters.

Sports and Entertainment

- *In re National Football League Players' Concussion Injury Litigation* – Jeannine served as court-appointed Plaintiffs' Liaison Counsel in and represented hundreds of former NFL players suffering from long-term or permanent neurological or cognitive impairments as a result of head injuries during NFL play and who alleged the League hid from them the serious risks of head trauma.
- *McCants v. National Collegiate Athletic Association, et al.* – Jeannine represents a putative class of former college athletes in who allege the University of North Carolina offered them fraudulent classes and, for decades, concealed that fraud.

Cybersecurity and Privacy

In re Wawa, Inc. Data Security Litigation – Jeannine serves as court-appointed Interim Co-lead Counsel in *In re Wawa Data Security Litigation* (No. 19-cv-6019, E.D. Pa.) for a proposed class of financial institutions alleging the convenience-

store chain's negligence resulted in a massive data breach, compromising more than 30 million payment cards used at up to 850 store locations on the East Coast.

Civil and Human Rights

Deceptive Business Practices and Consumer Protection

WHAT OTHERS SAY

- Jeannine was named a Super Lawyer in Antitrust litigation in both DC and PA (2020). Prior to that, Jeannine was regularly named a "Rising Star" by *Super Lawyers* (2015-2019), an honor awarded to fewer than five percent of practitioners in the state.
- *Lawdragon* named Jeanine as one of its "Top Plaintiff Financial Lawyers" (2019)
- Jeannine was honored with the International Academy of Trial Lawyers Student Advocacy Award for her work as part of Georgetown University's Appellate Litigation Clinic (2009)
- While attending the Georgetown University Law Center, from which she graduated *magna cum laude*, Jeannine was a member of the *Georgetown Law Journal* and a member of Georgetown's highly regarded Appellate Litigation Clinic, in which she received the International Academy of Trial Lawyers' Student Advocacy Award for her work on *Lytes v. DC Water and Sewer Authority*, No. 08-7002 (D.C. Cir.)

EDUCATION

Georgetown University Law Center J.D., (*magna cum laude*, Order of the Coif), 2009

University of Wisconsin-Madison, B.A., Political Science and Economics (with distinction), 1988

BAR ADMISSIONS

Commonwealth of Pennsylvania

District of Columbia

District Court for the Eastern District of Pennsylvania

District Court for the District of Columbia

AFFILIATIONS & MEMBERSHIPS

Member, Advisory Board, Georgetown Advanced E-Discovery Institute

Georgetown Law Journal, staff member and editor of the Journal's *2009 Annual Review of Criminal Procedure*, 2007-2009

Member, Sedona Conference Working Group on Electronic Document Retention and Production

Jeannine educates other practitioners on e-discovery realities, serving as a faculty coach to participants in Georgetown University's intensive eDiscovery Training Academy, and speaking at conferences regarding the complexities and ethical quandaries involved in the search for and production of ESI and the importance of cooperation among the parties.

NEWS & PRESS

Jeannine has been widely quoted in print media, including the *Washington Post*, the *New York Times*, and *USA Today*, and has appeared on national cable and broadcast programs on consumer issues ranging from anticompetitive mergers, unfair consumer services contracts, consumer access to competitive and affordable telecommunications services, and financial privacy.

PUBLICATIONS

Jeannine Kenney, Nathaniel C. Giddings, and Theodore DiSalvo, "Hindsight Proportionality is an Illogical and Meaningless Idea," *Law 360* (July 23, 2019)

Co-authored a chapter on technology assisted review—advanced methodologies used to more effectively and efficiently locate responsive ESI—to appear in the American Bar Association's publication, *Perspectives on Predictive Coding*.

William P. Butterfield & Jeannine Kenney, *Reality Bites: Why TAR's Promises Have Yet to be Fulfilled*, Perspectives in Predictive Coding, American Bar Association, 2016 (Jason R. Baron et al, eds).

Jeannine Kenney & Kristen Ward Broz, *Supreme Court to Hear Appeal on Antitrust Liability and Trade Association Membership*, Aug. 2016, Lexology.

Jeannine Kenney, *Courts determine that non-cash consideration is subject to antitrust scrutiny under Actavis*, Oct. 2015, Lexology.

William P. Butterfield, Conor R. Crowley & Jeannine Kenney, *Reality Bites: Why [Technology Assisted Review's] Promises Have Yet to be Fulfilled*, International Conference on Artificial Intelligence & Law, Discovery of Electronically Stored Information Workshop, Presented June 14, 2013. [Read here](#)

PRESENTATIONS & SPEECHES

Faculty, The Sedona Conference 2020 eDiscovery Negotiation Training (eDNT) program, February 2020

Faculty, Fifth Annual (2019) Judicial Training Symposium, hosted by the Federal

Judicial Center and Electronic Discovery Institute, October 2019

Dialogue leader, "Hot Button Issues in Negotiating ESI Protocols," The Sedona Conference Working Group 1 Annual Meeting, October 2019

Presenter, "Hot Topics with ESI Protocols," Complex Litigation E-Discovery Forum, September 2019

Panelist, "Perspectives on the Impact of the 2015 Rule 25 Amendments," The Duke Law Bolch Judicial Institute's Distinguished Lawyers Conference on Evaluating the 2015 Rule 26 Discovery-Proportionality Amendments and Bolch-Duke *Guidelines and Best Practices*, June 2019

Panelist, "TAR Unstuck: Choosing the Right Tool, Using It Wisely, and Negotiating an Effective TAR Protocol," Eighth Annual ASU-Arkfeld eDiscovery and Digital Evidence Conference, March 2019

Faculty, The Sedona Conference 2019 eDiscovery Negotiation Training (eDNT) program, February 2019, Washington, D.C.

Moderator, "Food Supply Chains: Integration, Globalization, and What it Means for Competition and Stability," American Antitrust Institute Food and Agriculture Competition Roundtable, Madison, WI, December 2018

Faculty, Fourth Annual (2018) Judicial Training Symposium, hosted by the Federal Judicial Center and Electronic Discovery Institute, November 2018

Presenter, "Coaches Corner," Georgetown University Law Center eDiscovery Training Academy, 2016, 2017

Faculty E-Discovery Coach, Georgetown University Law Center eDiscovery Training Academy, 2015- 2017

Panelist, "Engaging the Disinterested Judge," Georgetown Advanced E-Discovery Institute, Nov. 2017

Panelist, "Game On: Ethics & eDiscovery," Georgetown Advanced E-Discovery Institute, Nov. 2016

Panelist, "Agriculture & Food Litigation Roundup: Updates and Perspectives on Active Antitrust Cases in the Agriculture and Food Sectors," American Bar Association (2015 and 2016)

Panelist, "Where Does the Buck Stop? The Latest in Cost Shifting," Georgetown Advanced E-Discovery Institute, Nov. 2016

Panelist, "Essential Checklist for E-Discovery," D.C. Bar CLE Program, May 2015

Speaker, "So How Exactly is Plaintiffs' Side E-Discovery Practice Different?," D.C. Bar E-Discovery Committee Meeting, Jan. 2015

Panelist, ESI Discovery, NCLC Consumer Class Action Symposium, 2013

IN THE NEWS

November 18, 2019

Super Lawyers Recognizes 21 Hausfeld Lawyers Spanning Both Coasts and Multiple Practice Areas

November 12, 2019

Hausfeld Honored with the Pro Bono Award of the Philadelphia Bar Foundation

September 19, 2019

Fifteen Hausfeld Lawyers Named to Lawdragon Plaintiff Financial Lawyer Guide 2019

August 22, 2019

Hausfeld and Co-Counsel Win Public Justice's 2019 Trial Lawyer of the Year Award

January 3, 2017

Hausfeld Names Jeannine M. Kenney Partner

December 9, 2016

Hausfeld Announces \$75 Million Settlement with Michael Foods in Eggs Antitrust Litigation

ARTICLES

August 12, 2016

Supreme Court to Hear Appeal on Antitrust Liability and Trade Association Membership

October 15, 2015

Courts Determine That Non-Cash Consideration Is Subject To Antitrust Scrutiny Under Actavis