



Heidi A.O. Fisher

Partner

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Co-chair of the firm's Class Actions group, Heidi is an experienced class-action litigator and trial attorney who provides strategic guidance and solutions to clients in commercial litigation disputes. She represents clients in high-stakes, statewide, nationwide, and multi-district class actions and other complex litigation in every facet of the proceedings — from removal under the Class Action Fairness Act, to motions to dismiss, class certification proceedings, discovery, trial, settlement and appeal.

Heidi represents and advises public and closely held corporations in both general litigation and complex business matters in the areas of consumer fraud, contract disputes, warranties, product liability, intellectual property, securities, employment, business slander, unfair competition, false advertising, statutory compliance and violations, and insurance coverage, among others. She has experience in several industries, and she regularly works with manufacturers of consumer products, building products, and food.

Heidi practices in jurisdictions across the country and has developed a successful track record of employing aggressive strategies for early, favorable disposal of claims, as well as litigating matters through trial and appeal. She also advises companies on risk assessment and management, product liability prevention, contract negotiation, warranty issues, document retention matters and media relations.

Representative Matters

- ***In re 100% Grated Parmesan Cheese Marketing & Sales Practices Litigation***
Currently representing several major food retailers in a multi-district litigation in the Northern District of Illinois alleging breaches of express and implied warranties and violations of several state consumer statutes stemming from allegations of misleading food labeling. Successfully won early dismissal of the majority of claims, and won summary judgment on all but one of the remainder. The matter has been appealed to the Seventh Circuit.
- ***TreeHouse Foods, Inc. v. SunOpta Grains and Foods Inc.***
Currently representing SunOpta in the U.S. District Court for the District of Illinois in a post-recall matter alleging breaches of express and implied warranties, breach of contract, negligence, negligent misrepresentation, and strict liability. Successfully won dismissal of negligence, negligent misrepresentation and strict liability claims. The case is pending.
- ***Hagen v. McAlpine & Co.***
Represented McAlpine & Co. Ltd. and Mountain Accessories, Inc. in a class action in the U.S. District Court for



the District of Minnesota brought post-recall alleging negligence and breach of warranty in connection with allegedly defective plumbing valves which failed and caused massive property damage. Obtained early partial dismissal and then quickly settled the matter on an individual basis on favorable terms and with no class certification.

- ***Spade v. Select Comfort Corp.***

Represented Sleep Number Corporation in a class action in the U.S. District Court for the District of New Jersey alleging violations of the New Jersey Truth-in-Consumer Contract, Warranty and Notice Act (TCCWNA), the New Jersey Consumer Fraud Act, and the Magnuson Moss Warranty Act where she obtained early dismissal. The case was appealed to the Third Circuit Court of Appeals, which certified two questions to the New Jersey Supreme Court. Sleep Number Corporation ultimately prevailed in the New Jersey Supreme Court and the Third Circuit, resulting in a full dismissal with prejudice of the lawsuit. The case also established new law related to New Jersey's TCCWNA, which drastically curtailed the ability of plaintiffs' lawyers to bring nuisance class actions against corporations.

- ***In re HardiePlank Fiber Cement Siding Litigation***

Represented James Hardie in a multidistrict litigation in U.S. District Court for the District of Minnesota alleging violations of several state consumer protection statutes and breach of express and implied warranty claims in connection with advertising and allegedly defective siding. The court denied plaintiff class certification and granted summary judgment in James Hardie's favor.

- ***Nadeau v. S&C Electric Company***

Successfully defended S&C Electric Company in a case venued in Minnesota alleging that its underground pad-mounted switch gear was defective, causing an arc-flash explosion that injured an electric company employee. Obtained voluntary dismissal before expert discovery was completed with no payment to plaintiff.

- ***Sleepy's v. Select Comfort Corporation***

Obtained complete defense verdict after trial in the U.S. District Court for the Eastern District of New York in a case alleging Lanham Act violations and state claims of breach of contract, unfair competition, false advertising and slander related to a dealer agreement. Also obtained a substantial defense attorney fee award under the Lanham Act. The case has been to the Second Circuit Court of Appeals twice, and the second appeal is currently pending.

- ***Hackman v. Colonna Brothers, Inc.***

Successfully defended cheese manufacturer from class claims alleging defective grated cheese product and deceptive labeling in the Superior Court for the District of Washington D.C. After filing motion to dismiss, plaintiff voluntarily stipulated to dismiss claim in exchange for favorable individual settlement with no class certified.

- ***Wolf v. South Brunswick Furniture, Inc.***

Represented a franchisee of Ashley Furniture in a putative consumer class action in New Jersey alleging violations of the New Jersey Truth-in-Consumer Contract, Warranty and Notice Act (TCCWNA), the New Jersey Consumer Fraud Act and the Magnuson Moss Warranty Act. The case was resolved after the favorable ruling in *Spade v. Select Comfort Corp.*

- ***Mueller v. SPX Corporation***

Obtained early dismissal of claims against SPX Corporation in a consumer class action in the U.S. District Court for the District of Minnesota alleging violations of several state consumer protection statutes and breach of warranty claims in connection with its advertising and allegedly defective plumbing systems.



- ***Azimpour v. Select Comfort***
Obtained dismissal in the U.S. District Court for the District of Minnesota of a class action alleging violations of multiple Minnesota and California consumer protection statutes, including the CLRA, UCL, FAL, MUTPA, MUDTPA, and the MDFA, stemming from alleged improper advertising of sales.
- ***Gilbert v. Select Comfort***
Obtained dismissal in a class action venued in Washington alleging violations of the Washington Consumer Protection Act stemming from alleged improper over-collection of state taxes.
- ***Boland v. Select Comfort***
Obtained dismissal of a case and striking of class claims in a matter brought against Select Comfort Corporation in a purported consumer class action in the United States District Court of the District of Pennsylvania alleging violations of state consumer protection statutes and breach of warranty claims in connection with its advertising and alleged selling of refurbished beds.
- ***Carey v. Select Comfort***
Obtained dismissal of claims class action in Minnesota state court alleging violations of several Minnesota consumer protection statutes and breach-of-warranty claims in connection with its advertising and allegedly defective products.
- ***Stearns v. Select Comfort***
Obtained dismissal in the U.S. District Court for the Northern District of California in a class action alleging violations of California consumer protection statutes, include the UCL, as well as the Magnusson Moss Warranty Act and various state law claims stemming from alleged improper advertising and allegedly defective beds.
- ***Broberg v. U.S. Legal Services Group***
Successfully defended U.S. Legal Services Group and Apex Legal Group in a class action in the U.S. District Court for the District of Minnesota alleging violations of the Fair Credit Reporting Act (FCRA) and the Minnesota Debt Settlement Services Act in connection with alleged advertising and solicitation of debt settlement services.
- ***Lashbrook v. Cheers Health***
Successfully obtained full, voluntary dismissal of TCPA class action in the U.S. District Court for the Southern District of Florida.
- ***Simon v. Select Comfort***
Obtained summary judgment and successfully excluded all three of the plaintiff's expert witnesses in a matter in the U.S. District Court for the Eastern District of Missouri alleging product liability claims causing personal injuries in connection with an alleged product defect.
- Successfully defended large window manufacturer in several federal consumer class actions in federal courts in Minnesota, Ohio, Virginia and Massachusetts alleging violations of state consumer protection statutes and breach of warranty claims in connection with its advertising and allegedly defective windows.

Before Fox Rothschild

Prior to joining Fox, Heidi was a partner at Oppenheimer Wolff & Donnelly LLP.

While in law school, she was an associate editor of the *William Mitchell Law Review*.

Heidi attended the Defense Language Institute Foreign Language Center in 1995.



Beyond Fox Rothschild

Heidi is a veteran of the U.S. Army Reserves where she served as a Psychological Operations Specialist before attending law school.

Honors & Awards

- Named to the "Super Lawyers - Women's Edition" list for Class Action in Minnesota (2016, 2019)
- Selected to the "Super Lawyers" list for Class Action in Minnesota (2015, 2016, 2018, 2019)
- Recipient, William Mitchell Burton Brief Award for Excellence in Legal Writing

Practice Areas

- Litigation
- Class Actions
- Food & Beverage
- Insurance
- Appellate Practice

Bar Admissions

- Minnesota

Court Admissions

- U.S. Court of Appeals, Second Circuit
- U.S. Court of Appeals, Third Circuit
- U.S. Court of Appeals, Eighth Circuit
- U.S. District Court, District of Minnesota

Education

- William Mitchell College of Law (J.D., *magna cum laude*, 2002)
- Hamline University (B.A., 1994)
 - Communications and Psychology

Memberships

- Leadership Twin Cities Alumna, Steering Committee (2009-2010)
- Camp Mak-A-Dream Upper Midwest Advisory Council (2010)
- American Bar Association
- Minnesota Bar Association
- Hennepin County Bar Association
- Minnesota Women Lawyers, Leadership Council