



Elizabeth Weldon

Partner

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PRACTICES Litigation, Franchise and Distribution, Franchise Litigation, Trademark Litigation

Elizabeth Weldon is a partner in the Litigation Practice Group in Haynes Boone's Orange County office. Elizabeth is a Certified Specialist in Franchise and Distribution Law, The State Bar of California, Board of Legal Specialization.

Her practice focuses on business litigation and franchise litigation, at trial, judicial reference, and arbitration.

Elizabeth has represented both large and small businesses in commercial litigation matters, including breach of contract, tort, unfair competition, class action, commercial real estate, intellectual property disputes, such as patent, trademark, and trade dress claims, as well as other complex matters. Additionally, she represents franchisors in matters including breach of contract, trademark and trade name infringement, business competition torts, vicarious liability and joint employer issues, and franchise law claims.

Elizabeth is serving a two-year term as the Chair of the American Bar Association's Forum on Franchising, after previously serving on the governing committee as finance officer.

QUALIFICATIONS

EDUCATION

- J.D., William & Mary Law School, 2001, Executive Editor, *Environmental Law and Policy Review*
- B.A., Classics and Anthropology, The University of Arizona, 1998, magna cum laude

CLERKSHIPS

- Extern to the Honorable Barry G. Silverman, U.S. Court of Appeals for the Ninth Circuit, Summer 1999

ADMISSIONS

- California
- Arizona

COURT ADMISSIONS

- Supreme Court of California
 - Supreme Court of Arizona
 - U.S. District Court for the Central District of California
 - U.S. District Court for the Northern District of California
 - U.S. District Court for the Southern District of California
 - U.S. District Court for the Eastern District of California
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PUBLICATIONS AND SPEAKING ENGAGEMENTS

- "Eureka or Gotcha Moment? Reliance, Materiality, and Loss Causation: Analysis of Key Elements of Franchisee Claims for Franchise Disclosure," co-presenter, American Bar Association, 44th Annual Forum on Franchising, Atlanta, GA (October 13-15, 2021)
- "California Franchisors: Three Tripping Hazards To Avoid in Franchise Relationship Events," episode host, CalCurrent Podcast (June 17, 2021)
- "Judicial Update," co-presenter, International Franchise Association's Virtual Legal Symposium 2021 (May 5, 2021)
- "AB 5: The Codification of the ABC Test - A Franchising Perspective," presenter, California Lawyers Association Webinar (December 12, 2019)
- "Words Matter: A Litigator's Perspective on Drafting and Interpreting Key Provisions in the Franchise Agreement," co-author and co-presenter, American Bar Association, 42nd Annual Forum on Franchising, Denver, CO (October 16-18, 2019)
- "Special Session: California Assembly Bill 5: What You Need to Know Now," co-speaker, American Bar Association, 42nd Annual Forum on Franchising, Denver, CO (October 16-18, 2019)
- Lex Mundi Institute Cross-Border Dispute Resolution Program, Annual Conference Speaker (2013-2019)
- "Fees, Initial Terms, and Renewal," contributing author, *The Annotated Franchise Agreement* (November 2018)
- "2018 Annual Developments," co-presenter, American Bar Association, 41st Annual Forum on Franchising, Nashville, TN (October 11, 2018)
- "Annual Franchise and Distribution Law Developments, 2018," co-author, American Bar Association, 41st Annual Forum on Franchising (October 2018)
- "Restoring Previous Joint Employer Standard Could Bring Clarity," quoted, *Business Insurance* (September 25, 2018)
- "Hidden Pitfalls in Commonly Negotiated Provisions in Key Business Documents," co-presenter, Association of Corporate Counsel (Southern California Chapter), Long Beach, CA (September 27, 2017)
- "California Anti-SLAPP Motions: Potential Pitfalls for Plaintiffs," co-author (June 28, 2017)
- "Enforcement of Noncompetition, Confidentiality and Related Agreements in California," co-presenter, The State Bar of California, Business Law Section Webinar (May 18, 2017)
- "Insurance Dilemma - Challenges in Identifying Adequate Coverage for the Franchisor and Franchisee," co-presenter, American Bar Association, Forum on Franchising, Miami, FL (November 3-4, 2016)
- "Strange Weather: California's Amended Franchise Relations Act, AB 525," co-author, *Franchise Law Journal*, Vol. 35, No. 4 (Spring 2016)
- "Untangling the Tangled Webs We Weave: Joint Representation Issues in Franchise Cases," co-presenter, 49th Annual IFA Legal Symposium, Washington, DC (May 16-17, 2016)
- "Can a Franchisor Avoid Becoming the Joint Employer of its Franchisee's Employees?" co-author, *Franchising Opportunities in Southern California* (September 14, 2015)
- "Clash of Counsel: Franchise Litigation and Dispute Resolution From the Perspective of Counsel for Franchisors and Franchisees," panelist, American Bar Association, Forum on Franchising Webinar (April 28, 2015)

- "How to Litigate a Franchise Dispute," co-presenter, The State Bar of California Business Law Webinar (February 19, 2015)
- "Top Five Legal Tips for Franchisors in 2014," co-author, *Franchising Opportunities in Southern California* (September 29, 2014)
- "Keeping Current: Daimler AG v. Baumann, et al., 134 S. Ct. 746 (2014)," co-author, *Business Law Today* (May 2014)
- "U.S. and California Supreme Court Game-Changing Cases of 2013 and Beyond: How Will They Impact Your Business?," speaker, Roundtable Presentation, Snell & Wilmer, Costa Mesa, CA (February 25, 2014)
- "Spotting an Accidental Franchise: and Why it Matters To You," co-author, *Orange County Business Journal* (November 18, 2013)
- "Disclaimers: A Powerful Tool of Franchisors or Fickle Follies in the Wake of the Amended FTC Franchise Rule?," speaker, ABA 36th Forum on Franchising, Orlando, FL (October 16-18, 2013)
- "International Trade Commission's "fast-track" pilot program: be prepared for more speed," co-author, *Lexology* (October 4, 2013)
- "Choice of Law and Choice of Forum: Has the Choice Already Been Made for You?," panelist, The American Bar Association, Forum Committee on Franchising, Webinar (August 8, 2013)
- "U.S. and California Supreme Court Game-Changing Cases of 2012 and Beyond: How Will They Impact Your Business?" speaker, Roundtable Presentation, Snell & Wilmer, Costa Mesa, CA (February 26, 2013)
- "LAIPLA Road Show at Whittier Law School," panelist, Los Angeles Intellectual Property Law Association, Costa Mesa, CA (September 6, 2012)
- "Section 337: tips for discovery in ITC's rocket-docket," co-author, *Daily Journal* (May 8, 2012)
- "U.S. and California Supreme Court Game-Changing Cases of 2011 and Beyond: How Will They Impact Your Business?" speaker, Roundtable Presentation, Snell & Wilmer, Costa Mesa, CA (April 2012)
- "Is Your Law Firm a Center of Influence for Your Business?," co-author, *Los Angeles Business Journal*, Vol. 33, No. 43 (August 22-28, 2011)
- "Strategies for Fostering Productive Corporate Counsel Relationships," co-author, *Orange County Business Journal*, Vol. 34, No. 23 (June 6-12, 2011)
- "Prelitigation Dispute Resolution Clauses: Getting the Benefit of Your Bargain," co-author, *ABA Franchise Law Journal*, Vol. 31, No. 1 (Summer 2011)

PROFESSIONAL AFFILIATIONS AND ENGAGEMENTS

- Litigation Counsel of America, Senior Fellow (2023-Present)
- Fellows of the American Bar Foundation, Fellow (2020-present)
- California Lawyers Association
 - Franchise Law Committee (2012-2016, 2019-2020)
 - Membership (2015)
 - Co-Chair (2016)
- American Bar Association, Forum on Franchising
 - Chair (2023-2025)
 - Chair Elect (2022-2023)
 - Governing Committee Member (2018-present)
 - Finance Officer (2019-2022)
 - Co-Chair of 43rd Annual Forum on Franchising (2020)
 - Litigation and Dispute Resolution Committee (LADR) (2012-2017)
 - Chair (2016-2017)

- Federal Bar Association of Orange County, Treasurer, Board Member, Director (2019-present), Secretary (2022-2023)
 - International Franchising Association, Southern California Women's Franchise Network
 - Girls Inc. Orange County
 - Board of Directors (2011-2019)
 - Secretary (2013-2015)
 - President Elect (2015)
 - President (2016-2017)
 - Friends of READ/Orange County (2005-2009)
 - President (2006-2009)
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SELECTED CLIENT REPRESENTATIONS

Business Litigation

- Lead claimant counsel in arbitration hearing on breach of lease claim, appearing before panel of three arbitrators. Panel addressed issues of prevailing party and the award of attorneys' fees and costs, for both the arbitration and the motion to confirm the arbitration decision in court.
- Defense counsel for bank in multi-day judicial reference hearing on matters of breach of contract related to advertising.
- Lead counsel for a Danish company in negotiations of dispute with international manufacturer of beauty products that alleged various claims against company, including breach of distribution agreement.
- Lead defense counsel for HOA against claims of slander and violation of Fair Debt Collection Practices Act. Representation included filing motion for summary judgment.
- Represented large company against consumer class action alleging claims of unfair business practices (Section 17200) and violation of the Consumer Legal Remedies Act.

Franchise Litigation

- Represented national real estate brokerage franchisor in multiple matters in state and federal courts asserting claims, including trademark infringement and breach of contract, against former franchisees. Representation included two-week arbitration hearing involving matters of breach of franchise agreement adverse to former franchisee.
- Lead counsel for national services franchisor in multiple matters relating to claims of territory infringement and breach of franchise agreement.
- Lead defense counsel for international franchisor in food industry in state court against claims of vicarious liability and joint employment.
- Represented international brand in federal court in motion to compel arbitration in action on putative class claims including breach of contract, section 17200, and Seller Assisted Marketing Plan Act.
- Defended international franchisor in food industry in state court against former franchisee's and its principals' claims of fraud in sale of franchise.

Some of these representations were handled by Elizabeth prior to joining Haynes Boone.

AWARDS AND RECOGNITIONS

- Southern California Super Lawyers, Thomson Reuters, Franchise/Dealership, 2022-2023

HAYNES BOONE

- *The Best Lawyers in America*®, Woodward/White, Inc., Franchise Law, 2016-2024; Commercial Litigation, 2023-2024
- Litigation Counsel of America, Fellow (2017-present)
- Legal Eagles, *Franchise Times*, 2011-2024
- Legal Eagles Hall of Fame, *Franchise Times*, 2020
- 2022 Orange County Visionary, *TimesOC*, B2B Publishing, 2022
- 2022 Women in Business Awards Nominee, *Orange County Business Journal*, 2022
- 2022 Inspirational Women Leadership Awards Nominee, *Los Angeles Times*, B2B Publishing, 2022
- Southern California Super Lawyers®, “Rising Stars,” Thomson Reuters, Franchise/Dealership, Business Litigation, Intellectual Property Litigation, 2007-2016
- “The Top Women Attorneys in Southern California,” *Los Angeles Magazine*, 2014, 2016
- Wiley W. Manuel Certificate for Pro Bono Legal Service, State Bar of California, 2013
- Association of Corporate Counsel (ACC), Southern California Chapter “Rising Stars,” 2012