



KRISTY A. MURPHY

Counsel

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BIOGRAPHY

Kristy Murphy is a distinguished attorney with a concentrated practice in commercial litigation, emphasizing franchise litigation. Her extensive legal experience encompasses representation of a diverse array of clients in both state and federal courts across the United States. Kristy's clientele includes Fortune 500 companies, national hotel chains, leading financial institutions, real estate developers, manufacturers, and retail establishments, showcasing her versatility and broad legal acumen.

In the realm of franchise litigation, Kristy has represented both franchisors and franchisees across various industries, including hospitality, automotive products and services, restaurants, investments, and real estate services. Her experience in this niche area of law enables her to navigate complex legal landscapes, advocating effectively for her clients' interests.

Kristy's litigation and arbitration experience is vast and varied. She has successfully handled cases involving contract disputes, state consumer protection statutes, unfair competition claims, and claims under the California Franchise Relations Act and Franchise Investment Law. Her proficiency extends to vicarious liability, fraud claims, trade secret misappropriation, intellectual property infringement, environmental claims, lender liability, partnership disputes, landlord-tenant disputes, and employment wage and hour claims. Her ability to defend against putative class actions and her practice in appellate courts further underscore her comprehensive legal experience.

Kristy graduated from the University of California, Berkeley School of Law, where she distinguished herself as a member of the *Berkeley Technology Law Journal*. She also gained invaluable experience working with the Samuelson Law, Technology & Public Policy Clinic, where she honed her skills in the intersection of law, technology, and public policy. This academic foundation has been instrumental in shaping her analytical and strategic approach to complex legal issues.

Kristy's approach to legal practice is characterized by her dedication to her clients and her commitment to achieving favorable outcomes. She brings a strategic and analytical mindset to every case, ensuring that her clients receive tailored legal solutions that meet their specific needs. Her broad experience and deep understanding of commercial and franchise litigation make her a formidable advocate in the courtroom and a trusted advisor to her clients.

Kristy's dedication to excellence, combined with her extensive legal knowledge and diverse litigation experience, make her an invaluable asset to her clients. Her ability to navigate complex legal challenges with precision and her unwavering commitment to her clients' success are evident in every aspect of her practice.

PROFESSIONAL AFFILIATIONS

- Certified Franchise and Distribution Law Specialist, State Bar of California
- American Bar Association – Forum on Franchising & Young Lawyers Division

ADMISSIONS

- California, 2007

EDUCATION

University of California-Berkeley, J.D., 2007

University of California-Los Angeles, B.A., *summa cum laude*, 2003

RELATED PRACTICE AREAS

- Franchising
- AdTech
- PropTech
- Corporate
- Litigation & Dispute Resolution
- Litigation & ADR
- Regulatory Franchising
- Transactional
- Franchise Mergers & Acquisitions
- Appellate
- Business & Commercial Disputes

EXPERIENCE

- *AYU Global v. Sumitomo Corp.*, Bus. Franchise Guide (CCH) ¶ 15,083 (Cal.App. 2013) (affirming dismissal of fraud claims, leading to dismissal of all claims by other 25 franchisees)
- *AYU Global v. Sumitomo Corp.*, 2011 (Cal. Superior Court) (dismissing all contract, fraud, antitrust, and concealment claims brought by franchisee tire dealers—bellwether case of 25 similar claims)
- *Duke v. Avis Rent a Car System, Inc. et al.*, 2010 WL 4706093 (Cal.App. 2 Dist.) (California Court of Appeal affirmed trial court's ruling denying class certification to a group of agency operators who claimed that, contrary to their contractual agreements with Avis and Budget, they were employees and not independent contractors under California law)
- *Dark v. Hilton Hotels Corp. et al.*, 2009 WL 4548351 (Ct. App. 2d Dist.), Bus. Franchise Guide (CCH) ¶ 14,296 (franchisor not vicariously liable for franchisee's alleged negligence and violation of California's Unruh Act because there was no evidence that the franchisee and its employees were actual or ostensible agents of the franchisor)

RESOURCES

PUBLICATIONS

- “Are Franchisors ‘Employers’? A Summary of Recent Decisions, and What They May Mean to Franchisors,” Franchising Business & Law Alert (January 2015), co-authored with Glenn Plattner

RELATED INSIGHTS

Awards

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Pro Bono

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Pro Bono Win for Assault Victim in California Supreme Court

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