



KRISTY A. MURPHY

Counsel

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BIOGRAPHY

Kristy Murphy focuses her practice in the area of commercial litigation, with an emphasis on franchise litigation. She has represented a wide range of clients in state and federal courts throughout the United States, including Fortune 500 companies, national hotel chains, leading financial institutions, real estate developers, manufacturers, and retail establishments. She has represented both franchisors and franchisees in a variety of industries, including hospitality, automotive products and services, restaurants, investments, and real estate services.

Ms. Murphy has broad experience litigating and arbitrating diverse matters for her clients, whether as plaintiffs or defendants, including actions involving contract disputes, state consumer protection statutes, unfair competition claims, claims under the California Franchise Relations Act and Franchise Investment Law, 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. She also has experience with successfully defending against putative class actions and with practice in appellate courts.

Ms. Murphy graduated from the University of California, Berkeley School of Law, where she was a member of the *Berkeley Technology Law Journal* and worked with the Samuelson Law, Technology & Public Policy Clinic.

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
- International
- 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

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Awards

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Pro Bono Win for Assault Victim in California Supreme Court

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