



McKool Smith  
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Suite 3200  
New York, NY 10022  
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#### EDUCATION

- J.D., with honors, The University of Texas School of Law, 1996. Teaching Quizmaster; Friar Society; Women's Intercollegiate Athletics Council; Chancellor's Student Advisory Board; Chair, Cabinet of College Councils.
- B.S., with high honors and special honors, The University of Texas, 1993. Top Graduate in Advertising Department; Senior Fellows Honor Program; Robert & Virginia Pulver Scholarship in Advertising; Dean's List; Student Body Treasurer; Cactus Goodfellow.

#### COURT ADMISSIONS

- States of New York, Texas and California
- The U.S. District Court Southern District of New York
- The U.S. District Courts for the Northern, Southern, Eastern, and Western Districts of Texas
- The U.S. District Courts for the Northern, Southern, Central and Eastern Districts of California
- The U.S. District Court Southern

## GAYLE ROSENSTEIN KLEIN

### PRINCIPAL

Gayle Klein (nee Rosenstein) is a Principal in the New York Office. She has broad-based litigation experience, for both plaintiffs and defense, and has appeared in cases in state and federal courts throughout the United States, as well as in domestic and international arbitrations. Ms. Klein also has conducted a number of sensitive internal investigations (for both public companies and their audit committees). Ms. Klein is adept at crisis management, complex litigation strategies, and multi-jurisdictional disputes in a variety of subject matters, particularly including trade secrets and other intellectual property, employment, and securities.

### REPRESENTATIVE MATTERS

#### Prior to joining McKool Smith:

**Bankruptcy Liquidating Trustee for Excite@Home.** Counsel for the plaintiff bankruptcy trustee (for the company's claims) in a misappropriation of trade secret (high speed internet network design) and breach of fiduciary duty case. Reached a highly favorable settlement on the eve of trial.

**United HealthGroup Incorporated.** Counsel for this Fortune 100 company in a variety of matters, as both plaintiff and defendant. Notable representations include its stock option backdating matter, lawsuits against former employees (both with and without non-compete agreements), seeking to restrain their competitive activities with competitors, and nationwide class actions relating to payment of out-of-network reimbursements.

**Airborne Health, Inc.** Counsel for this dietary supplement company relating to its advertising claims, including in a nationwide class action consumer protection/false advertising case and administrative inquiries by the Federal Trade Commission and multiple state attorneys general.

**Bertlesmann AG.** Successfully sought a stay and appeal in the United States Ninth Circuit Court of Appeals a trial court's order to produce all attorney-client communications relating to a \$50 million loan.

**Hughes Electronics.** Counsel for Hughes Electronics in a purchase price adjustment arbitration against Boeing resulting from the sale of Hughes' satellite business to Boeing. Boeing sought adjustments of over \$650 million in the arbitration, which was conducted by KPMG LLP.

# McKool Smith

A PROFESSIONAL CORPORATION • ATTORNEYS

District of New York

- The U.S. Courts of Appeal for the Ninth and Eleventh Circuits

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## BAR ADMISSIONS

- American Bar Association
- State Bar of Texas
- State Bar of California
- Texas Bar Foundation
- Santa Clara (California) County Bar Association

## PROFESSIONAL ACTIVITIES

Board of Directors, Madison Square Park Conservancy; Anti-Defamation League, New York Lawyers' Division; University of Texas School of Law Keeton Fellow.