



Catalina Vergara

Partner

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Catalina Joos Vergara, a partner in the firm's Financial Services practice group, specializes in crafting perceptive and responsive solutions to complex disputes. She believes that an effective litigator must first be a mindful listener--that clients are best served by individualized, cost-efficient strategies, not a one-size-fits-all playbook. Catalina is also a skilled trial lawyer and appellate advocate who recognizes that a successful representation calls for a comprehensive trial and appellate strategy, even at the earliest stages of a case. Her guidance has helped financial services, insurance, pharmaceutical, and consumer goods companies navigate high-stakes nationwide litigation.

ERISA matters are a significant part of Catalina's portfolio. She represents retirement plan sponsors and service providers in class actions brought by plan participants alleging the plan's fiduciaries breached their fiduciary duties or committed "prohibited transactions" in selecting and monitoring plan investment options, or in causing the plan to pay excessive fees. At present, Catalina is representing a number of major financial, energy, and entertainment companies in ERISA fiduciary breach cases pertaining to the companies' 401(k) plans. Outside of the ERISA context, Catalina represents financial institutions in a range of complex civil matters, including claims brought by borrowers against mortgage servicers and claims brought by account holders challenging bank overdraft fees.

A native Spanish speaker and a member of the Pacific Council on International Policy, Catalina also brings a global perspective to her practice. She has counseled clients facing litigation and

Admissions

Bar Admissions

California

Court Admissions

US District Court, Central District of California

US Court of Appeals, Ninth Circuit

Education

Georgetown University, J.D.: *cum laude*; Advocate, Jessup International Law Moot Court Team; Winner, Leahy Moot Court Competition

University of North Carolina at Chapel Hill, B.A., International Studies and Comparative Literature; Morehead Scholar; Dean's List; Honors Program

government investigations abroad, including in Latin America. She has also devoted significant time to representing Spanish-speaking immigrants pro bono, both before the Ninth Circuit and in the immigration courts.

Catalina was O'Melveny's 2012 Leadership Council on Legal Diversity Fellow, and she speaks regularly on diversity in the legal profession. Within O'Melveny, she serves on the Women's Advisory Board and the Diversity Council, and co-founded both the Women Attorneys' Network and the Community Involvement Committee in her office. For her contributions, Catalina was awarded a Warren Christopher Values Award, an honor bestowed on those who exemplify the Firm's legacy of excellence, leadership, and citizenship.

Experience

Investment and Retirement Plan Services

- Representing Fortune 100 energy company in ERISA class action alleging fiduciary breaches related to selection and monitoring of 401(k) plan investment options and plan-related fees.
- Defending global investment firm in ERISA fiduciary breach suit attacking the inclusion of proprietary funds in the firm's 401(k) plan lineup.
- Representing major entertainment company in ERISA class action challenging the propriety of one of the company's 401(k) plan's investment options.
- Representing Southern California financial institution and related defendants in a lawsuit brought by the Department of Labor alleging excessive fees related to the banks' in-house 401(k) plan.
- Defending life insurance company in nationwide ERISA class action challenging fees collected on insurance separate account investment options.

Other Financial Services

- Representing mortgage servicer in multiple nationwide class actions targeting propriety and cost of default related services.
- Representing major financial institution in purported class action alleging processing of daily transactions is designed to maximize overdraft fees imposed on business accounts.
- Represented a financial services company in nationwide class action brought by insurance policyholders alleging unfair sales and marketing practices.
- Defended a major financial institution against multi-billion dollar successor-liability claims arising from mortgage loan securitizations.
- Represented an insurance company in litigation seeking benefits allegedly due under a disability insurance policy.
- Represented an independent asset management firm in a multi-million dollar breach of contract and trade secret case.

Other Representations

- Represented an *AmLaw 100* law firm in a two-week arbitration that resulted in a complete victory, including multi-million dollar recovery of fees and costs.

- Defended pharmaceutical companies against nationwide mass tort litigation arising from allegedly defective prescription drugs.
- Represented consumer products companies in nationwide litigation in state and federal courts involving claims for personal injury.
- Advised firm clients with international concerns on compliance with the Foreign Corrupt Practices Act, including investigating allegations of wrongdoing and designing compliance programs.

Professional Activities

Clerkship

- Honorable James V. Selna, US District Court, Central District of California

Honors & Awards

- Named a Future Star in *Benchmark Litigation* (2019-2020)
- Selected by the *Daily Journal* as a Top Labor & Employment Lawyer (2017)
- Recognized as a Southern California “Rising Star” by *Super Lawyers* as published in *Los Angeles* magazine
- Recommended by *Legal 500* for Labor and Employment: ERISA Litigation (2016-2019) and Litigation: Product Liability and Mass Tort Defense: Pharmaceuticals and Medical Devices (2012)

Languages

- Spanish