

# Marisa C. Maleck

Partner  
*FDA and Life Sciences*

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A partner in our FDA and Life Sciences practice, Marisa Maleck focuses on litigation, regulatory matters and public policy, with a focus on consumer products and services. As a former senior counsel at an FDA-regulated company and in private practice, Marisa has substantial experience with and is skilled in providing creative solutions in the face of uncertainty.

Marisa represents clients in a variety of matters with a focus on FDA-regulated products and life-science services like food, beverages, pharmaceuticals, medical devices, wellness products, cosmetics, telehealth, tobacco and cannabis. As a former senior counsel at an FDA-regulated vaping company and as a former partner in King & Spalding’s Litigation and Global Disputes practice group, she handled hundreds of suits in a multi-district litigation, multiple agency inquiries, an FTC lawsuit and 10+ state Attorney Generals actions. With a special focus on consumer fraud, social-media marketing and personal injury/wrongful death lawsuits, Marisa has successfully drafted and/or argued appellate briefs and critical motions in numerous cases—including class actions and complex litigation—before the U.S. Supreme Court, federal and state courts of appeals, and federal and state trial courts. She has also advocated tirelessly for her clients through engagement with agencies, policy-makers, and legislators. She also represents her clients in investigations, enforcement actions, private litigation and private-equity investments.

Marisa also advocates for her clients’ interests in the court of public opinion. She is often solicited for her balanced legal analysis by members of the media. Marisa has appeared on (tv/radio) MSNBC, MSN, CNBC and NPR, and in (print) Newsweek, the National Law Journal, The Wall Street Journal, The Washington Post and Politico.

In addition, Marisa has an active pro-bono practice representing indigent defendants through federal appellate appointments as part of the Criminal Justice Act program, through active partnership with public-interest groups, and as a screener for the Mid-Atlantic Innocence Project.

Previously, Marisa served as a law clerk for Associate Justice Clarence Thomas of the Supreme Court of the United States and for Chief Judge William H. Pryor, Jr. of the United States Court of Appeals for the Eleventh Circuit.

## Matters

Represented **Allergan** in bringing an unfair competition suit against a competitor, and developed

strategy which ultimately led to injunctive relief and monetary damages for the Company.

Represented **Ipsen Biopharmaceuticals** in challenging a government pricing decision that resulted in a successful appeal, which created positive precedent to allow companies to sue the government under the Administrative Procedure Act.

Represented **R.J. Reynolds** in numerous personal injury lawsuits, including crafting and arguing a motion that resulted in the court reducing the verdict by 75%; prepped the CEO for a congressional hearing.

Represented **Delta Air Lines** in several putative class actions involving a data breach: drafted and/or argued all motions and two appeals, successfully defeating the creation of multi-district litigation, and obtaining and defending the district court's dismissal of the cases.

Successfully represented a **cannabis company** in an unlawful detainer action and advised on a creative solution that enabled it to maintain its operations.

Served as in-house counsel for an FDA-regulated **vaping company** and oversaw the briefing process in litigation.

Advising **food, beverage, tobacco, cannabis, telehealth, wellness, and cosmetic companies** on various business practices; successfully responding to threatened and actual lawsuits as well as investigations in connection with those practices; and evaluating the legal risk of FDA-regulated companies in the private-equity context.

Representing **Google** before the U.S. Supreme Court in what some have hailed the "copyright matter of the century."

## Credentials

### EDUCATION

J.D., University of Chicago, cum laude

B.A., Amherst College, cum laude

### ADMISSIONS

U.S. Court of Appeals for the Federal Circuit

Supreme Court of the United States

U.S. Court of Appeals for the Fourth Circuit

U.S. Court of Appeals for the Seventh Circuit

U.S. Court of Appeals for the Ninth Circuit

U.S. Court of Appeals for the Eleventh Circuit

U.S. Court of Appeals for the D.C. Circuit

District of Columbia

Maryland

### CLERKSHIPS

Law Clerk, Clarence Thomas, Supreme Court of the United States

Law Clerk, William H. Pryor, Jr., U.S. Court of Appeals for the Eleventh Circuit

## Recognition

Law360 Rising Star 2021

LAW360

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## Insights

### CLIENT ALERT

*October 18, 2021*

HHS Continues Focus on Women's Health: AHRQ Calls for Data on Telehealth for Women

*August 27, 2021*

FDA Rejects Bids To Market CBD-Based Dietary Supplements

### NEWSLETTER

*August 25, 2021*

International Food Law Gazette – August 2021

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## Events

### WEBINAR

*April 27, 2021*

What to Expect From the DOJ in the Biden Administration

*February 23, 2021*

Key Food and Beverage Issues: Challenges and Opportunities in 2021

*January 30, 2020*

Congress 2020: The Year Ahead

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## News

### IN THE NEWS

*September 22, 2021 • Source: The Washington Post*

Marisa Maleck counsels Michael LaPorta, who was shot by an off-duty Chicago police officer in January 2010, on his petition to the Supreme Court in a liability dispute against the city of Chicago

*July 7, 2021 • Source: Law360*

Marisa Maleck is profiled as a Law360 Rising Star

### RECOGNITION

*June 1, 2021*

Four King & Spalding Lawyers Named Law360 Rising Stars

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