



## Henry Kelston

### Of Counsel

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Henry Kelston's practice is concentrated in the areas of class actions, securities litigation and electronic discovery, representing consumers and investors nationwide.

Mr. Kelston has represented consumers in class actions involving breast implants allegedly associated with certain cancers, the unlawful use of facial recognition and location tracking by leading technology companies, and improper bank fees charged by major national banks.

He has been on the front lines in data breach cases against some of the largest technology companies in the world and has represented consumers in class actions challenging food labeling practices, including several cases against major food manufacturers contesting the use of "natural" claims on products containing GMOs. Mr. Kelston's work in *In re Conagra Foods, Inc.*, contributed to a groundbreaking decision by the Ninth Circuit Court of Appeals, significantly strengthening the rights of consumers to bring class actions. He is also currently representing limited partners defrauded by the managers of a private investment fund worth nearly \$1 billion.

Mr. Kelston is a frequent speaker and CLE presenter on electronic discovery. He is a member of The Sedona Conference® Working Group 1 on Electronic Document Retention and

Production. Most recently, he assisted in drafting The Sedona Conference® COMMENTARY ON LEGAL HOLDS: THE TRIGGER & THE PROCESS (2019), and served on the faculty for The Sedona Conference® E-DISCOVERY NEGOTIATION TRAINING. Mr. Kelston teaches E-Discovery at Legal Services of New Jersey's In-Depth Litigation Skills Training Program and is a member of American Association for Justice Class Action Group.

## Practice Areas

- Consumer Protection Class Actions
- Privacy & Cybersecurity
- Securities and Financial Fraud
- Complex Business Litigation

## Education

- New York University School of Law, Juris Doctor, 1978
- Tufts University, Bachelor of Science, *cum laude*, 1975

## Admissions

- State Bar of Connecticut
- State Bar of New York
- United States District Court, Northern District of Illinois
- United States District Court, Eastern District of New York
- United States District Court, Southern District of New York
- United States District Court, Western District of New York
- United States Court of Appeals for the Seventh Circuit

## Selected Presentations

- May 2019: The Sedona Conference® Mid-Year Conference
- Panelist: Crafting eDiscovery Requests with Reasonable Particularity
- April 2019: Legal Services of New Jersey In-Depth Litigation Skills Training
- Presenter: Introduction to Basic ESI and E-Discovery Concepts, Effective Targeting of E-Discovery Requests, Available Tools and Resources
- January 2019: The Sedona Conference® Webinar
- Panelist: Commentary on Legal Holds, Second Edition: The Trigger & The Process
- April 2018: Food Law Conference, Denver, CO
- Panelist: Class Actions
- April 2018: Legal Services of New Jersey In-Depth Litigation Skills Training
- Presenter: Introduction to Basic ESI and E-Discovery Concepts, Effective Targeting of E-Discovery Requests, Available Tools and Resources
- Feb 2018: The Sedona Conference® eDiscovery Negotiation Training Faculty
- March 2017: Mass Tort Med School + Class Actions: Class Action Certification

## Selected Publications

- The Sedona Conference® COMMENTARY ON LEGAL HOLDS: THE TRIGGER & THE PROCESS (contributing author)(2019)
- Proportionality Ruling Raises Concerns About Rule 26 Change, Law360 (Feb. 5, 2016)
- What You Need To Know About The New Rule 37(e), Trial Magazine (Jan. 2016)
- FRCP Discovery Amendments Prove Highly Controversial, Law 360 (Feb. 27, 2014)
- Are We on the Cusp of Major Changes to E-Discovery Rules? Legal Technology News (Apr. 7, 2012)
- Technology-Assisted Review From The Plaintiffs' Side, Legal Technology News (Dec. 10, 2012)
- E-Discovery Today: The Fault Lies Not In Our Rules . . . 2011 Fed. Cts. L. Rev. 1 (contributing author)(2011)
- The Benefits of Meet/Confer Process, New York Law Journal (Aug. 20, 2012)
- Overpreservation in Response to the Duty to Preserve: Fact or Fiction or Both? Bloomberg BNA Advanced CLE Podcast (June 26, 2012)
- Defense of Process in E-Discovery, Panel Speaker, Sedona Conference Working Group I on Electronic Document Retention and Production (Apr. 2012)

- Proposed Federal Rules Amendments: Recent Developments, Kroll Ontrack Podcast (Oct. 2012)
- Electronic Discovery in Litigation - Who Bears the Burden? The Federalist Society Teleforum (Oct. 4, 2012)