



Kimberly

Kimberly (Kim) Bousquet
Partner

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St. Louis

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MY SERVICES

Life Sciences & Biotechnology

Agriculture

Food

Business Litigation

EDUCATION

University of Arkansas School of Law, LL.M., Food and Agricultural Law, 2021

University of Oregon School of Law, J.D., 2004

Order of the Coif

Certificate in Environmental Law

University of Oregon, M.S., Environmental Studies, 2004

Drury University, B.A., Biology, *cum laude*

ADMISSIONS

Missouri

Illinois

U.S. District Court Eastern District Missouri

U.S. District Court Western District Missouri

U.S. District Court Northern District Illinois

U.S. District Court Central District Illinois

U.S. District Court Southern District Illinois

Drawing on my background in science and a proven track record in litigation, I offer strategic advice and compliance counsel to help food, beverage and agriculture companies protect their interests.

overview

Companies navigating the complex regulatory landscape of the food and beverage industry turn to Kim Bousquet for her experience handling disputes and providing guidance. She is adept at defending companies in the food and beverage, agriculture, agribusiness, biotechnology, and manufacturing sectors.

Kim's work in litigation, risk analysis, and regulatory advice includes matters related to food and beverage labeling, advertising, and compliance. She has extensive experience with the Federal Food, Drug, and Cosmetic Act; the Food Safety Modernization Act; the Federal Trade Commission Act, and laws enforced by the USDA. She has defended companies against claims of false and misleading product labels and advertising, herbicide drift and crop damage claims, foodborne illnesses, and breach of contract. She is also highly experienced in complex e-discovery matters, having overseen all aspects of e-discovery in complex multi-district litigation.

Kim helps companies understand compliance when it comes to mandatory elements on food labels, health benefit-related and nutrient claims on food and dietary supplements, environmental marketing claims, PFAS, Prop. 65 disclosures, language on restaurant menus, state-level compliance related to hemp cannabinoid (CBD) products, pet supplement labeling, and numerous other areas.

Kim has been a key member of defense teams working on ground-breaking litigation related to the release of genetically engineered plants. These lawsuits have involved complex and novel legal and factual issues, numerous parties and industry stakeholders, extensive legal research and writing, and multiple consumer and business claims.

Kim's interest in agriculture and food law is deeply rooted. A native of rural Missouri, she earned degrees in biology, environmental studies, and food and agriculture law, bringing deep knowledge of the life and earth sciences to her practice.

experience

- Defense counsel on a groundbreaking appeal for a major agribusiness in a suit filed under the United States Warehouse Act. The resulting decision staved off an attack by another agribusiness that attempted to force the client to accept modified crops at its warehouses. The case was an issue of first impression before the 8th Circuit, and the favorable ruling allowed the client to determine its own strategy for accepting certain GMO crops.
- Oversaw or handled legal research, document production, motion filing, deposition practice, and expert witnesses in a federal trademark litigation matter in California. *Juanita's Foods, Inc. v. Dominguez Family Enterprises, Inc.*, Case No. 2:22-cv-06049 (C.D. Cal., 2023); *Dominguez Family Enterprises, Inc. v. Juanita's Foods, Inc.*, Case No. 2:23-cv-01499 (C.D. Cal. 2023)
- Part of a team that successfully moved to exclude the plaintiff's expert witness in a consumer mislabeling suit, wherein the court noted that "without expert testimony, the plaintiff is not able to show that the [defendant's] Product labels are misleading." *Gwinn v. Laird Superfood, Inc.*, Case No.: 1:22-cv-2883 (S.D. N.Y. 2023)
- Part of a team that successfully moved to dismiss a false advertising consumer mislabeling suit challenging a "Farm Fresh" statement on egg cartons. *Sorkin v The Kroger Co.*, Case No.: 1:23-cv-14916 (N.D. Ill. 2024)
- Oversaw successful claims administration process for a \$300 million capped settlement fund in *In re Dicamba Herbicides Litigation* multi-district litigation involving over 40 putative class and individual actions that alleged crop damage from dicamba herbicide sprayed over bioengineered soybeans. *In re Dicamba Herbicides Litigation*, 1:18-md-2820, (E.D. Mo. 2020-2023)
- Following successful CAFA removal to federal court, secured a voluntary dismissal (walk away) of consumer fraud putative class action against Instacart related to statements of cost of delivery services. *Evans v. Maplebear, Inc.*, 4:21-CV-00428(W.D. Mo. 2022)
- Achieved dismissal of suit brought by Arkansas farmers claiming damages related to their purchase of dicamba-tolerant crops. *B&L Farms v. Monsanto Co.*, No. 1:18-MD-2820-SNLJ, 2022 WL 9285881 (E.D. Mo. Oct. 14, 2022)
- Secured walk away for bottle manufacturing client in a trade secret dispute after three years of contentious litigation.
- Successful petition before the National Advertising Division regarding a food manufacturing competitor's false and misleading label claim. Successful use of Texas Rule of Civil Procedure 202 to compel discovery of competitor using false and misleading website claims and advertisements.
- Successfully represented a grain company (as plaintiff and defendant) in numerous state and federal court lawsuits (some consolidated into an MDL) involving alleged market losses caused by the escape of unapproved genetically modified rice. The case resulted in a global settlement of \$750 million funded by a co-defendant.
- Represented a telecommunications company in Missouri Merchandising Practices Act (MMPA) litigation alleging deceptive marketing regarding speed of internet service.

affiliations

- American Society of Nutrition and Institute of Food Technologists
- Food Labeling Litigation Conference Planning Committee, Food and Drug Law Institute, 2022
- American Agricultural Law Association Board Member, 2019-2022
- American Agricultural Law Association, Membership and Program Committees, 2017-2019

presentations

- **Panelist, "How Food & Ag Companies Can (and Do) Use the National Advertising Division to Combat Unfair Competition and Test the Waters of Emerging Issues"**
National Agricultural Law Center Webinar, August 16, 2023

in my free time

I love bird- and whale-watching and recently was lucky enough to see the largest animal in the world – the blue whale.