

## MVP: Covington & Burling's Ashley Simonsen

By **Emilie Ruscoe**

*Law360 (October 2, 2023, 4:27 PM EDT)* -- Over the last year, Ashley Simonsen of Covington & Burling LLP secured dismissal of proposed class actions against financial services giant Capital One and fintech companies PayPal and Afterpay, earning her a spot as one of Law360's 2023 Banking MVPs.

### ***Her biggest accomplishment in the past year:***

Simonsen cited the Capital One dismissal as her biggest accomplishment in the past year, noting that her team took "a pretty aggressive approach" to defeating the claims, which were revised four times before they were dismissed with prejudice.

In that matter, Simonsen said, a customer accused the bank of breaching its cardholder agreement and misrepresenting its willingness to provide pandemic-related relief.

She noted that her team's strategy had involved giving context to the statements the suit claimed were misrepresentations, and with the full statements on hand, "the court agreed to dismiss the complaint."

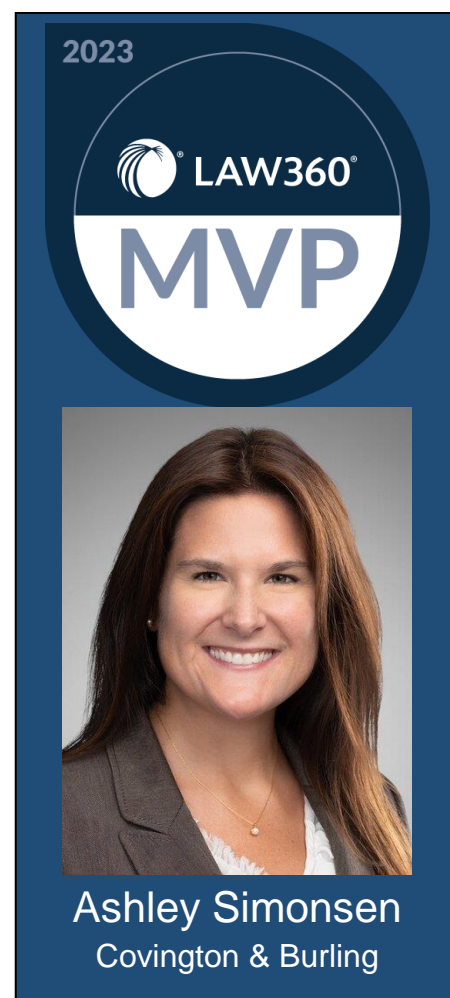
### ***Her biggest challenge in the past year:***

Simonsen said that in 2022, guiding the firm's transition to working in the office three days a week presented a challenge.

"I think it's been unquestionably an overall positive for folks to be back in the office, but I also think it took some time for everyone to get used to," she said, adding that she cares deeply about the culture at Covington's Los Angeles office.

To ease the transition, the firm has been planning plenty of in-person events to bring practitioners together.

"In my mind, those are the most important ways to get people into the office," Simonsen said.



### ***Her proudest moment in the past year:***

In the past year, Simonsen has been part of a team at Covington representing social media giant Meta Platforms Inc. in hundreds of product liability and public nuisance cases.

Simonsen, whose practice has long focused on complex class action, described the representation as her first foray into mass torts and noted it has provided her with an opportunity to work alongside a number of her Covington colleagues, including the co-chairs of the firm's product liability and mass tort practice, for the first time.

### ***Why she's a financial services attorney:***

Prior to law school, Simonsen said, she spent three years at Lehman Bros., working on its interest rate derivatives desk in the fixed income division, "so I have kind of a background and some amount of fluency with the financial services sector."

Clerkships with U.S. District Judge Shira A. Scheindlin in the Southern District of New York on the heels of the 2008 financial crisis and with U.S. Circuit Judge Barrington D. Parker Jr. in the Second Circuit shortly thereafter gave her opportunities to work on a number of interesting financial services cases.

"I think that with that background, I just kind of naturally gravitated towards lawsuits involving financial services," she said.

Simonsen's financial services clients have included both traditional organizations and fintech companies including PayPal Holdings Inc. and Afterpay, on whose behalf Simonsen secured class action dismissals earlier this year. Both companies have faced proposed class action litigation over their "buy now, pay later" programs. The suits allege the companies didn't properly warn consumers they might face bank overdraft fees in connection with their installment payments.

In the Afterpay matter, the plaintiffs voluntarily dropped their claims after Simonsen's Covington team filed a motion to compel arbitration in the matter — and the team was able to get another voluntary dismissal when PayPal was hit with a copycat suit.

### ***What motivates her:***

Simonsen was a competitive swimmer through college, "so I love competition," she said. "I love kind of being part of a team and winning as a team."

While being a lawyer is not the same as being an athlete, she said, "There are many parallels in terms of working with a team toward a common goal, and I would say that includes not only my Covington colleagues but also the folks that I work with at each of my clients."

"I just have always found that really motivating: being part of a team, celebrating each other's successes, nurturing a team culture that helps everyone succeed."

*--As told to Emilie Ruscoe*

*Law360's MVPs of the Year are attorneys who have distinguished themselves from their peers over the past year through high-stakes litigation, record-breaking deals, and complex global matters. A team of Law360 editors selected the 2023 MVP winners after reviewing more than 900 submissions.*

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