

CLASS ACTIONS

Regarded as one of the preeminent litigation firms in the United States, Williams & Connolly LLP has a vast array of experience in class action cases. Our lawyers have appeared in state and federal courts throughout the country, including Alabama, California, Georgia, Illinois, New York, Texas, Mississippi and Florida - many of which are hotbeds for plaintiffs' class action lawsuits.

We have successfully defended class action defendants in almost every industry--including electronics, entertainment, medical services, technology, financial services, transportation, automotive, communications, pharmaceuticals, real estate, and manufacturing. The firm has handled numerous class actions, including:

- Antitrust
- Bankruptcy
- Deceptive Trade Practices
- Employee Retirement Income Security Act (ERISA)/Healthcare
- Employment and Labor
- Environmental and Toxic Torts
- Fair Credit Reporting Act (FCRA)
- Product Liability/Mass Tort
- Racketeer Influenced and Corrupt Organizations Act (RICO)
- Securities
- Telecommunications
- Truth In Lending Act (TILA)

Our attorneys have provided national direction and coordination in class actions and other complex cases in which clients are forced to appear in numerous jurisdictions simultaneously.

The firm has extensive experience in developing a comprehensive strategy, avoiding wasteful duplication of discovery efforts, making sure that consistent factual and legal positions are taken by local counsel, working closely with them to implement the national strategy, and coordinating with other counsel in joint defense arrangements. Through these efforts, the firm works to achieve the best possible litigation results with cost efficiency, including saving the valuable time of corporate executives and employees.

Our ability and willingness to try even the most difficult case, when necessary, signals to the plaintiffs' class action bar that they cannot rely on an inevitable strike suit settlement. Not surprisingly, many large companies have turned to us to defend against a variety of class action claims.

"WILLIAMS AND CONNOLLY
LIKES TO SAVE ITSELF FOR
CLIENTS IN MORTAL DANGER."

The American Lawyer

"THE POWERHOUSE WASHINGTON
LAW FIRM WITH A DEEP BENCH."

Wall Street Journal

"WILLIAMS & CONNOLLY, THE
WASHINGTON POWER LAW FIRM."

Washington Post

"A REPUTATION FOR FIERCE
REPRESENTATION OF ITS HIGH-
PROFILE CLIENTS."

National Law Journal

"ONE OF THE CITY'S MOST
PRESTIGIOUS AND FEARED LAW
FIRMS."

The New Republic

"TIGHTLY KNIT, HIGHLY TRAINED,
AND NOTORIOUSLY RELENTLESS."

Legal Times

"WASHINGTON D.C.'S WILLIAMS &
CONNOLLY IS ONE OF THE MOST
PRESTIGIOUS FIRMS IN THE
COUNTRY - AND ONE OF THE MOST
TIGHT-LIPPED."

Vault.com

REPRESENTATIVE CLASS ACTIONS MATTERS

Securities

- **Enron Securities Litigation** - Represented Enron's former law firm in securities, derivative and ERISA litigation and in SEC and DOJ investigations alleging that the law firm assisted Enron in committing violations of the securities laws.
- **HealthSouth Securities Litigation** - Representing HealthSouth's former "Big Four" auditor in federal securities class action litigation.
- **WorldCom Securities Litigation** - Representing former WorldCom director and audit committee member in federal securities class action litigation.
- **Freddie Mac Securities Litigation** - Representing former CEO of Freddie Mac in securities class actions and derivative claims brought against the company in the wake of its billion dollar restatement of earnings in November 2003.
- **Friedman, Billings & Ramsey Securities Litigation** - Represent FBR in securities class action and derivative litigation.
- **Fannie Mae Securities Litigation** - Representing the former CEOs of Fannie Mae in securities litigation.
- **BearingPoint Securities Litigation** - Representing the former CEO of BearingPoint in securities class action and derivative claims, as well as in an ongoing SEC investigation. The court dismissed all charges against our client.
- **Adelphia Securities Litigation** - Represented a major financial institution in the Adelphia securities class action litigation.
- **Homestore Securities Litigation** - Represented America Online in securities class action litigation.
- **Boston Communications Group Inc. ("BCGI")** - Handled securities class actions and derivative suits for issuers and other public companies including Boston Communications Group Inc.
- **First Central Securities Litigation** - Represented McGladrey & Pullen in federal securities class action litigation.
- **In re MicroStrategy, Inc. Securities Litigation** - Represented MicroStrategy, Inc. in a federal securities fraud class action alleging improper accounting. The client secured an early settlement of the matter. *American Lawyer* magazine (September 2001) selected this as the case most reflecting the securities litigation arising out of the fall of the tech stocks in early 2000.
- **Waste Management Securities Litigation** - Once heralded as the largest earnings restatement in United States history, Williams & Connolly defended Waste Management, its audit committee and select outside Directors in a wide range of suits and proceedings before the SEC, various regulatory agencies and the courts in derivative and class action suits arising from corporate earnings restatements, ultimately resulting in a favorable resolution of all claims.
- **In re Marketspan Security and Derivative Litigation** - Represented outside directors of Long Island Lighting Company in securities and derivative litigation arising out of merger with Brooklyn Union Gas Company.
- **Telstra** - Represented Telstra, Australia's largest telecommunications company, in securities class actions and derivative litigation related to its ownership and sale of stock in Infonet.
- **KDDI** - Represented KDDI, a Japanese telecommunications company, in securities class actions and derivative litigation related to its ownership and sale of stock in Infonet.

Products Liability/Mass Tort

- **Vioxx Litigation** - Currently serving as Co-National and Coordinating Trial Counsel for Merck in defending against claims filed in federal and state courts throughout the country in connection with the COX 2 class of drug, Vioxx which was pulled off the market in the Fall of 2004.

- **Baycol Litigation** - Defending Bayer in one of the company's largest class action suits involving the anti-cholesterol drug Baycol. Plaintiffs allege damages of more than \$5 billion.
- **Norplant Litigation** - Launched in 1990 as the first innovation in contraception in 25 years, Norplant (manufactured by Wyeth), became the target of more than 50,000 lawsuits alleging defective product design and failure to warn of a constellation of common side effects. We defeated class certification motions in federal and state courts in California, Illinois, New Jersey, Pennsylvania, and Texas. We won the first set of bellwether cases on summary judgment in the multidistrict litigation and won defense verdicts in every trial. Following those victories, Wyeth obtained settlement of the remaining cases on extremely favorable terms.
- **Breast Implant Litigation** - Successfully represented General Electric, a bulk supplier of silicone raw materials to breast implant manufacturers, in putative class actions involving more than 12,000 individual plaintiffs. Williams & Connolly won summary judgment for GE in the multidistrict litigation, and GE, unlike every other defendant, paid nothing in judgments or settlements.
- **Prempro - Hormone Replacement Therapy (HRT) Litigation** - Defending Wyeth in lawsuits seeking nationwide and statewide class actions for personal injury damages and medical monitoring. Plaintiffs claim that Prempro, one of the most widely prescribed drugs in the United States (for menopausal symptoms) heightens the risk of breast cancer, stroke and heart disease. The cases are in the initial procedural stage; a motion for multidistrict consolidation is pending.
- **Childhood Vaccine Litigation** - Represented Wyeth in the early stages of litigation claiming that childhood vaccines cause autism and other neurodevelopmental problems. Many of the cases sought class action status and injunctive relief in the form of medical monitoring. (When the first Prempro cases were filed approximately one year after the vaccine litigation began, Wyeth moved the entire Williams & Connolly team to the defense of those cases.)
- **Tractor Fire Litigation** - Represented International Harvester, which faced claims for terrible burn injuries allegedly arising from the defective design of tractor gasoline tanks. When the firm entered the litigation, there already had been a verdict for significant punitive damages based on discovery fraud. The firm coordinated a discovery effort that eliminated the suggestion of discovery fraud, obtained a reversal of the punitive damages verdict, and prevailed in the FTC proceeding.
- **New Orleans Tank Car Leakage Litigation** - Represented CSX Transportation, Inc. in the settlement and class action fairness hearing in a Louisiana class action involving a tank car leak of hazardous materials and resulting fire near New Orleans; the alleged class members numbered approximately 10,000.
- **Georgetown University Medical Center** - Represented Georgetown University in a consolidated putative class action brought by plaintiff patients allegedly deprived of prescribed medication and exposed to contaminated medical equipment during certain interventional radiology procedures performed at defendant hospital. The court denied plaintiffs' motions for class certification.
- **Giant Food Inc.** - Represented Giant Food Inc. and various Giant officers and managers in a putative class action brought by eleven plaintiffs claiming that defendant corporation and its officers and managers engaged in race discrimination. The court denied plaintiffs' motion for class certification and granted summary judgment dismissing the claims of all but one of the plaintiffs.
- **Needle-bearing Devices Litigation** - Represented American Home Products Corp. in a putative class action brought by plaintiff healthcare workers claiming that the syringes manufactured by defendants were defective because they lacked additional safety mechanisms designed to prevent accidental needle sticks. The appellate court reversed the trial court grant of class certification and decertified the class.
- **American Cyanamid Co.** - Represented American Cyanamid in a putative class action brought by plaintiff farmers alleging breach of warranty and product defect claims against defendant insecticide manufacturer. The court denied plaintiffs' motion for class certification.

- **Bayer** - Defended Bayer in a class action suit involving a nationwide class of commercial beekeepers that was estimated to include about 3,000 persons. The plaintiffs alleged that a pesticide manufactured by Bayer's agricultural division and used across the U.S. for many years had killed or harmed their bee populations, thereby resulting in a dramatically decreased production of honey for U.S. consumers and millions of dollars in lost profits. After a period of discovery on class-related issues, plaintiffs moved for class certification. The court denied the motion for class certification, finding that the proposed class did not meet the requirements of Rule 23 for certification.

Consumer

- **Gibson v. AutoNation, Inc.** - Represented car dealership and world's largest automotive retailer in putative class action alleging violations of Florida's Unfair and Deceptive Trade Practices Act and Florida Motor Vehicle Service Agreement Act. We defeated the class claims and secured dismissal of the Complaint.
- **Leroy v. AutoNation USA Corporation** - Represented world's largest automotive retailer in putative statewide class action alleging violations of the Texas Finance Code. We succeeded in getting class certification overturned via a writ of mandamus.
- **Martin v. Hertz, et al.; Leonard v. Enterprise, et al.; Tyes v. Alamo Rent a Car, et al.; Godfrey v. National Union Fire Ins. Co. of Pittsburgh** - Successfully represented National Car Rental Company and Alamo Rent a Car in putative nationwide and statewide class action lawsuits alleging deceptive trade practices, fraud and conspiracy by major car rental companies in selling of supplemental insurance products at the time of car rental.
- **National Bank of Commerce** - Represented National Bank of Commerce in ERISA putative class action involving fees charged to retirement plans.
- **Riggs National Bank** - Represented Riggs National Bank in a putative class action brought by plaintiffs challenging "bounced-check" fees. Plaintiffs alleged that such fees were unconscionable, constituted an unlawful liquidated damages provision, violated the D.C. Consumer Protection Procedures Act, and constituted breach of contract and breach of an implied duty of good faith. The court granted summary judgment dismissing plaintiffs' claims.
- **Riggs National Bank** - Represented Riggs National Bank in the only prime rate class action case brought by plaintiffs alleging they borrowed money on what they claimed were unfavorable terms based on the definition of the "prime" rate, traditionally referred to as the lowest interest rate a bank charges its most credit-worthy customers. The case was dismissed.
- **Charlie Falk Auto Wholesale, Inc.** - Successfully represented the defendant, Charlie Falk Auto Wholesale (one of Virginia's largest used car businesses), in class actions alleging a "churning" scheme run in violation of the RICO statute and state consumer protection laws. The case was dismissed on motion.
- **California State Lottery Commission** - Successfully defended class action challenging the lottery game "Keno."
- **Anderson v. Germain, Inc.** - Represented car dealership in putative class action alleging violations of Ohio Consumer Sales Practices Act, Ohio RICO statute and Ohio common law in connection with sales of an auto theft prevention product. The case has been dismissed.
- **Morgano v. Wallace Nissan** - Represented car dealer and finance company in putative class action alleging violations of the Florida Deceptive and Unfair Trade Practices Act and the Motor Vehicle Retail Sales Finance Act. The class claims were withdrawn.
- **Carver v. Woodfield Ford Sales, Inc.** - Represented car dealership in putative class action alleging violations of the Truth in Lending Act. The class claims were abandoned and the case settled on favorable terms.
- **Brugger v. Elmhurst Kia** - Represented car dealership in putative class action alleging violations of the Truth in Lending Act. The class claims were abandoned and the case settled on favorable terms.

- ***Fresco v. ChoicePoint Inc.*** - Representing leading provider of identification and credential information in putative statewide class action pending in the United States District Court, Southern District of Florida, alleging that the company obtained, used or disclosed personal information from motor vehicle records of the Florida Department of Highway Safety and Motor Vehicles in violation of the Driver's Privacy Protection Act.
- ***Harrington v. ChoicePoint Inc.*** - Representing leading provider of identification and credential information in four putative national class actions, now consolidated in the United States District Court, Central District of California, alleging violations of the Fair Credit Reporting Act and certain California statutes. ChoicePoint has moved to transfer a similar class action, *Wilson v. ChoicePoint Inc.*, which was filed in the United States District Court, Northern District of Georgia, Atlanta Division, to the United States District Court, Central District of California.

Environmental

- ***In re Paoli R.R. Yard PCB Litigation*** - Successfully defended General Electric in multidistrict litigation alleging exposure to PCBs at Paoli railroad yard. Plaintiffs sought claims for personal injury, medical monitoring and property damage. Williams & Connolly developed a strategy to exclude the plaintiffs' experts and then won the trial on the medical monitoring claims. Eleven years after it began, GE won a total victory.

Antitrust

- ***In re Carbon Dioxide Antitrust Litigation*** - defended against a multitude of individual and class claims arising from an alleged conspiracy to allocate customers.
- ***In re Citric Acid Antitrust Litigation*** - represented corporate defendant in consolidated class actions, state indirect purchaser cases and criminal investigation alleging price fixing.
- ***In re High Fructose Corn Syrup Antitrust Litigation*** - represented corporate defendant in consolidated class actions, state indirect purchaser cases and criminal investigation of alleged price fixing.
- ***In re Lysine Antitrust Litigation*** - represented corporate defendant in consolidated class actions, state indirect purchaser cases and criminal investigation of alleged price fixing.
- ***In re Magazine Antitrust Litigation*** - represented Newsweek magazine in nationwide antitrust class actions arising out of allegedly unlawful trade association guidelines.
- ***In re MSG Antitrust Litigation*** - represent corporate defendant in consolidated antitrust class actions involving allegations of price fixing.
- ***In re Terazosin Hydrochloride Antitrust Litigation*** - represented pharmaceutical manufacturer Ivax Corporation in consolidated class actions, state indirect purchaser cases and FTC investigation into whether settlement of patent infringement litigation constitutes, inter alia, violation of Section 1 of the Sherman Act.
- ***S&S Forage & Equipment Co. v. Up North Plastics, et al.; Mr. & Mrs. Donald Steward v. Up North Plastics, et al.*** - represented defendant PolyAmerica in putative class actions alleging price fixing and customer allocation in violation of Section 1 of the Sherman Act.
- ***In re Polyester Staple Antitrust Litigation*** - represent corporate defendant in consolidated class actions brought by direct purchasers of Polyester Staple alleging price fixing against major producers and sellers of Polyester Staple.
- ***Robinson v. Texas Automobile Dealers Association, et al.*** - Obtained reversal in the 5th Circuit of the certification of a class of more than ten million people in a Sherman Act price-fixing case.
- ***Archer Daniels Midland (ADM)*** - Represented ADM in the numerous civil antitrust class actions filed in federal and state courts all over the United States in the wake of media reports about the Department of Justice's grand jury investigations of ADM.
- ***Allegheny Pepsi-Cola Bottling Company*** - Represented defendant Allegheny Pepsi-Cola in class actions alleging price fixing in violation of Section 1 of the Sherman Act.

- **Schneider v. AutoBahn Motors** - Summary judgment obtained on behalf of one of the nation's largest Mercedes dealers in putative class action by consumers alleging price fixing conspiracy by all Mercedes dealers in the San Francisco Bay Area.
- **AutoVentures, Inc. v. James M. Moran** - Represented world's largest independent Toyota distributor in putative five state class actions brought on behalf of Toyota dealerships in those five states alleging violations of RICO, the antitrust laws, and state franchise laws. The firm defeated class certification.
- Represented clients in dozens of state antitrust, deceptive trade practice and/or unfair competition class actions brought in various state courts throughout the country.

Plaintiff's Class Actions

- **Department of Justice Attorneys** - Represented a certified class of more than 9,000 Department of Justice attorneys seeking back wages based on DOJ's failure to pay overtime in accordance with federal law.
- **Representing the minority shareholders** of a bio-stem cell research company alleging misconduct and self-dealing by a controlling shareholder and a few board members. Class certification is pending.
- **In re Skywalk Disaster** (Hyatt Regency Hotel, Kansas City) - Obtained class certification of individuals who were injured when the hotel's overhead skywalks collapsed. Identified as the nation's worst structural failure at the time, we represented a class of individuals who were severely injured when the hotel's overhead skywalks collapsed, resulting in more than 125 deaths and several hundred injuries. The case was favorably settled on the day of jury selection.
- **Operation "Baby lift" Case** - Williams & Connolly represented more than 50 Vietnamese orphans who survived the crash of a cargo plane that was seeking to airlift them out of Vietnam in the closing days of the war. Subsequently adopted by European families, they brought suit in the United States against the airplane manufacturer and the United States, as the operator of the airplane for defective design of the cargo door. When the firm proved able to conduct the entire discovery on the expedited schedule ordered by the court and to go forward with one trial per month, the defendants settled.