

Class Action

Our class action experience spans a wide array of industries and subject matters, including financial services, consumer products, data breach, pharmaceuticals, technology, medical services, telecommunications, automotive, real estate, and manufacturing. We have defended clients against class action claims that include:

- Antitrust
- Unfair and Deceptive Trade Practices
- Employee Retirement Income Security Act (“ERISA”)/Healthcare
- Employment and Labor
- Environmental and Toxic Torts
- Fair Credit Reporting Act (“FCRA”)
- Franchise
- Magnusson-Moss Warranty Act
- Product Liability/Mass Tort
- Racketeer Influenced and Corrupt Organizations Act (“RICO”)
- Securities
- Telecommunications
- Truth in Lending Act (“TILA”)

Our attorneys have taken the lead role, including as national coordinating counsel, in some of the country’s most-publicized and complex class actions, such as those involving Enron, HealthSouth, WorldCom, Freddie Mac, ChoicePoint, Archer Daniels Midland, Merck/Vioxx, Wyeth/Prempro and the animal feed additive Lysine.

Our cases frequently involve representing clients in multiple jurisdictions at once, with the goal of defeating class certification or, if necessary, defending the case on the merits. We also regularly handle appeals of trial court orders certifying classes, and we have obtained reversal of class certification decisions on multiple occasions. In addition, we have been brought in to resolve certain class actions and guide the resolutions through fairness hearings and challenges on appeal.

The following are a few representative examples of our class action work:

- **Pharmaceuticals** – Litigation for Wyeth (now Pfizer) involving its hormone therapy medicine, the firm defeated certification of putative classes for personal injury and medical monitoring in Florida, Pennsylvania, West Virginia and Alabama.
- **Devices** – Litigation in which plaintiff healthcare workers claimed that the syringes manufactured by defendants, including our client, were defective because they lacked additional safety mechanisms designed

to prevent accidental needle sticks, the appellate court reversed the trial court's grant of class certification and decertified the class.

- **Contraceptives** – Litigation for Wyeth involving the Norplant contraception innovation, the firm defeated class certification motions in federal and state courts in California, Illinois, New Jersey, Pennsylvania and Texas.
- **Chemical Exposure** – 10,000-member class action involving CSX Transportation, Inc., the firm was brought in to handle the settlement and fairness hearing of a Louisiana class action involving a tank car leak of hazardous materials and resulting fire near New Orleans.
- **Medical Services** – Consolidated putative class action against Georgetown University, which was brought by patients allegedly deprived of prescribed medication and exposed to contaminated medical equipment during certain interventional radiology procedures, the firm defeated class certification.
- **Civil Rights Claims** – Putative class action against Giant Food Inc., in which plaintiffs alleged racial discrimination, the court denied plaintiffs' motion for class certification and granted summary judgment dismissing the claims of all but one of the plaintiffs.
- **Pesticides** – Defeated class certification in putative nationwide class action involving approximately 3,000 commercial beekeepers, who 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.
- **Automobiles** – Putative class action against the world's largest automotive retailer, which alleged violations of the Texas Finance Code, the firm succeeded in getting class certification overturned via a writ of mandamus.
- **Rental Car Companies** – Successfully represented National Car Rental Company and Alamo Rent-a-Car in putative nationwide and statewide class action lawsuits alleging deceptive trade practices and fraud and conspiracy by major car rental companies in selling of supplemental insurance products at the time of car rental.
- **Financial Services** – Secured summary judgment dismissing plaintiffs' claims in this putative class action against Riggs National Bank over "bounced-check" fees, which plaintiffs claims 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.
- **Data Services** – Putative class actions against ChoicePoint, consolidated in the Central District of California, which arose out of a widely publicized data breach and involved allegations of violations of the Fair Credit Reporting Act ("FCRA") and state statutes, the firm secured summary judgment on the FCRA claims and dismissal of most other claims, and settled the few remaining claims on favorable terms.
- **ERISA Litigation** – Represented National Bank of Commerce in ERISA putative class action involving fees charged to retirement plans.
- **Lottery Litigation** – Successfully defended class action challenging the lottery game "Keno."