

→ Class Action Defense

Whether defending bet-the-company class action litigation or opportunistic strike suits, our litigators are leaders in the class action defense bar. We have prevailed using innovative approaches, including addressing escalated customer complaints before they turn into litigation, pursuing targeted absent class member discovery to defeat class certification and developing novel legal arguments to defeat class actions on their merits. We partner with our clients to evaluate the likelihood of prevailing as compared to the costs of particular litigation strategies. When clients opt for settlement, we structure creative settlements that afford maximum closure with minimal outlay.

Our litigators are well-versed in the state and federal regulations and agency proceedings that often impact class action litigation. Our team members regularly appear before and petition agencies, including the Federal Trade Commission, Federal Communications Commission, Consumer Financial Protection Bureau and various state regulatory bodies. Our reputation and working relationships with these agencies allow us to take advantage of regulatory avenues that save our clients from pending or threatened litigation.

Finally, we do much more than litigate. We proactively counsel clients on a host of complex employment, consumer, marketing and privacy issues. We advise companies on all consumer-facing disclosures, including drafting privacy policies, arbitration clauses with class waivers, product warnings and terms of use and service for websites and mobile applications. Similarly, we advise companies on how to conduct effective marketing campaigns within the bounds of state unfair competition and consumer protection laws.

Our attorneys litigate class actions involving a wide variety of substantive areas of law, including the following:

- Alleged antitrust violations and unfair trade practices
- California's Consumers Legal Remedies Act and Unfair Competition Law
- Consumer fraud and unfair business practices
- Consumer lending and credit practices
- False advertising
- Telephone Consumer Protection Act
- Disability access
- ERISA
- Insurance bad faith (among other insurance issues)
- Environmental and toxic tort claims, including California's "Prop 65"
- Healthcare
- Construction defects and property damage claims
- Privacy and data security
- Alleged product defects

- RICO
- Securities fraud and shareholder actions
- Unfair Trade Practices Acts
- Wage and hour, discrimination and other employment matters

Our attorneys defend class actions on behalf of clients in a wide variety of industries, including the following:

- Aerospace and defense
- Auto finance
- Consumer banking and lending
- Food and beverage
- Healthcare and pharmaceuticals
- High technology
- Hotel, casino and hospitality
- Insurance
- Mortgage
- Petroleum production and retail
- Power and energy
- Product manufacturing
- Retail, including restaurant, supermarket, pharmacy, clothing and other national chain stores

Experience

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- Won dismissal of an unfair credit reporting class action for a solar finance company on a motion to dismiss.
- Won dismissal of two consumer protection and unfair debt collection class actions against a national property management company, one on a motion to dismiss and the other by defeating class certification and winning on summary judgment.
- Won dismissal of consumer fraud claims in a putative class action and engineered the successful settlement of class plaintiff's individual claims against one of the nation's most prominent business telecom providers of voice, data, security and cloud services.
- Negotiated the resolution of a Second Circuit appeal involving the enforcement of class waiver and arbitration provisions of a prominent online retailer, ensuring that the district court's order upholding the class waiver and arbitration provisions remained valid.
- Negotiated the individual settlement of class plaintiff's claims against a nationally accredited medical education provider arising out allegedly unsolicited fax advertisements, in which our client faced potential exposure of millions of dollars in liability.

- Won dismissal of one of the largest retailers in a nationwide false advertising class action.
- Won dismissal of a large Las Vegas hotel and casino after filing an affirmative motion to deny class certification based on the inadequacy of the class representative.
- Defended a supplement manufacturer in a false advertising class action relating to product labeling. Resolved by favorable settlement.
- Defended a national restaurant chain in false advertising class actions relating to menus. Defeated class certification and the matter resolved favorably for our client.
- Defended a cosmetic manufacturer in a false advertising class action. Resolved by favorable settlement.
- Defended an insurer in a class action alleging class was owed interest on deposits paid. Prevailed on summary judgment and judgment was affirmed on appeal.
- Defended the lender in a class action alleging class members' privacy rights were violated. Prevailed in arbitration and judgment in favor of client was affirmed on appeal.
- Defended an app developer in a class action alleging class members' privacy rights were violated. Case was dismissed.
- Defended a lender in a class action alleging class members were deceived into paying undisclosed fees. Prevailed on summary judgment and judgment was affirmed on appeal.
- Defended major auto finance companies, including Toyota Financial Services, GM Financial, Nissan Motor Acceptance Corporation, Consumer Portfolio Services, CenterOne Financial LLC, United Auto Credit Corporation and Santander Consumer USA, among others, in consumer class actions challenging financing and leasing issues.
- Defended a leading rental car company in class actions challenging refueling charges, government fee pass-throughs and other charges.
- Defended major banks, insurers and consumer finance companies in class actions in state and federal courts challenging force-placed insurance on automobile and home loans, including *Wahl v. American Security Ins. Co.*, 2008 WL 2444802 (N.D.Cal.).
- Enforced class action waivers in arbitration clauses on behalf of financial services clients in state and federal courts.
- Prevailed on motion for summary judgment in a putative nationwide class action alleging client misled consumers about fill of its beverages.
- Prevailed at pleading stage that Califia's "no sugar added" language was not deceptive as matter of law.
- Prevailed on two motions to dismiss in false advertising class actions, arguing no reasonable consumer could be deceived by alleged description of beverage size.

- Defeated class certification of an alleged nationwide class action involving allegations of false labeling of food as naturally raised and non-GMO.
- Represented several California hospitals in class actions alleging unfair and fraudulent billing practices. Obtained summary judgment, sparing the hospitals expensive class certification motions and settlement.
- Obtained a motion to dismiss for Toyota Motor Credit Corporation of a putative class action filed on behalf of Maryland consumers allegedly issued defective post-sale notices after their cars had been repossessed. Plaintiff sought a refund of all interest payments made by borrowers who received the defective notices.
- Won summary judgment in the Southern District of New York, later affirmed by the Second Circuit, of a proposed class action alleging Rite Aid violated the Telephone Consumer Protection Act.
- Obtained dismissal of a false advertising class action on behalf of Vigo Foods alleging violation of the California Consumer Legal Remedies Act (CLRA) and California Fair Packaging and Labeling Act (CFPLA).