Services

Class Actions

Practice Contact

Robert N. Webner

Attorneys

Rajeev K. Adlakha

Elizabeth S. Alexander

Phillip W. Bechter

Alycia N. Broz

Marcel C. Duhamel

Allison R. Ebanks

Daren S. Garcia

Whitney C. Gibson

Susan Barrett Harty

Christopher L. Ingram

Allen S. Kinzer

William D. Kloss Jr.

John J. Kulewicz

Nathaniel Lampley, Jr.

John L. Landolfi

Christopher A. LaRocco

J.B. Lind

Douglas R. Matthews

Thomas N. McCormick

Timothy B. McGranor

Jeffrey A. Miller

Joseph R. Miller

Anthony L. Osterlund

William G. Porter

Eric W. Richardson

Richard D. Schuster

Alex X. Shadley

Andrew C. Smith

Who We Represent

Our class action litigation group represents some of the country's largest public corporations and private, middle-market startup companies spanning a range of industries.

With deep experience in the retail, consumer products, life and health insurance, financial services and automotive sectors, our clients include:

- Nearly one-third of the National Retail Federation's Top 100 list, including over half of the top 25 retailers
- More than 600 consumer brands
- 150 financial institutions
- Major automotive manufacturers and suppliers
- Government entities

Our Approach

Our class action lawyers work across offices and practices to help clients assess risks facing their industries and minimize potential exposure. When class action claims arise, we guide clients in overcoming procedural hurdles and help them make informed decisions regarding the most advantageous litigation and business strategies.

Defeating Class Certification: Because the class action mechanism allows for hundreds or even thousands of individual claims to be pursued jointly, these cases present particularly high-stakes challenges for defendants. Such cases involve unique standards and procedures that govern certification of classes, notice, settlement and trial. Our lawyers are adept at creatively developing and persuasively presenting arguments against class certification with evidence to support those defenses.

Settlement Strategy: In cases where classes are certified, we assess the potential for a cost-effective settlement to advance our clients' ultimate goals. When our clients determine that settlement is appropriate, we

Victor A. Walton, Jr.

Nina I. Webb-Lawton

Aaron M. Williams

navigate the array of notice and approval requirements applicable to class-wide settlements. Our experience enables us to develop and assess appropriate notice and distribution procedures, often with the assistance of a claims administrator.

Removal from State to Federal Court: When clients resolve to fight claims, we advise on the appropriate forum and whether to remove state court class actions to federal court by employing the **Class Action Fairness Act (CAFA)** and other mechanisms.

What We Do

When our clients decide to fight class action claims, Vorys mobilizes its nationwide bench of class action litigators to represent them in state and federal courts across the country.

In particular cases, we use the U.S. Judicial Panel on Multidistrict Litigation process to coordinate class actions pending in multiple federal courts, avoid duplication and reduce defense costs.

Additionally, we have extensive experience litigating Class and Private Attorneys General Act (PAGA) claims in California, where employers are especially vulnerable to increased exposure under wage and hour, misclassification, harassment, discrimination and other Labor Code and Wage Order statutes.

We also advise clients in class actions involving:

- Antitrust
- Consumer finance
- Consumer protection
- Employee Retirement Income Security Act (ERISA)
- Insurance
- Personal injury
- Privacy and data security
- Products liabilityand toxic tort
- Securities

Our experience includes:

- Defending more than 100 wage and hour class actions on behalf of employers in California

- Defeating class certification and obtaining summary judgment on all claims asserting race discrimination against a major manufacturer
- Representing a lender in negotiating a cost-effective settlement of class claims for fraud, breach of contract, unjust enrichment and conversion
- Defeating class certification at the trial court level and on appeal in a case against a funeral services provider alleging consumer fraud and financing violations
- Vindicating a large lender's contractual right to arbitration in a federal action by a class of consumers alleging predatory lending claims

Discovery Management

Class actions pose discovery challenges rarely present in more traditional cases due to the need to preserve, review and possibly produce documents and data connected to a large number of people. We advocate for tiered discovery with the aim of defeating class certification before defendants endure expensive and intrusive merits discovery. When classes are certified, our litigation group works closely with Vorys' technology and eDiscovery professionals to proactively assess the challenges posed by eDiscovery rules and to manage such discovery.

Among their many functions, our eDiscovery team:

- Advises on cost-effective strategies for collecting and analyzing relevant data to meet litigation discovery demands
- Assists in reviewing records creation, retention and destruction policies and advises on best practices
- Counsels on developing litigation holds that withstand scrutiny by opposing counsel and courts
- Assesses the need to secure and preserve potentially relevant documents and data
- Develops strategies to protect against evidence spoliation claims frequently employed by plaintiffs' class counsel
- Reviews and analyzes records with proficiency in technology-assisted review (TAR), predictive coding, email threading, batch coding and redacting to streamline discovery and reduce costs

National Recognition

We are proud to have earned long-standing recognition as a "**Leading Law Firm**" in Ohio for general commercial litigation in the prestigious *Chambers USA* guide. In its 2023 edition, Chambers and Partners lauds Vorys' experience "in representing large clients in a range of matters, **including class actions,** toxic torts and False Claims Act litigation."

Earning a **nationwide *Chambers USA*** ranking for retail, Vorys' frequent engagement by **"retailers facing consumer class actions"** also is noted in the 2022 edition.

Additionally, we have earned top honors as a Tier 1 firm in Ohio for "Mass Tort Litigation / Class Actions – Defendants" in the Best Lawyers® "**Best Law Firms**" report since 2011, as well as national and regional recognition across numerous litigation practice areas.

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News

News, 1.2.2024
Vorys Elevates Ten to Partner

News, 12.29.2023
More Than 30 Vorys Attorneys Included on Ohio Super Lawyers and Rising Stars List

News, 10.9.2023
74 Vorys Attorneys Included in 2023 *Columbus CEO*'s Best Lawyers

News, 8.17.2023
More Than 155 Vorys Attorneys Named to the 30th Edition of The Best Lawyers in America® Lists

News, 4.7.2023
Vorys Lawyers Named to 2023 *Cincy Magazine* Leading Lawyers List

News, 8.18.2022
Ten Vorys Attorneys Included in the 29th Edition of Best Lawyers: "Lawyer of the Year"

6.29.2022
59 Vorys Attorneys Included in 2022 *Columbus CEO*'s Best Lawyers

News, 12.5.2018
Forty-eight Vorys Attorneys Included on Ohio Super Lawyers and Rising Stars List

News, 8.15.2018
More Than 100 Vorys Attorneys Named to 2019 Best Lawyers in America® List

News, 12.5.2017
56 Vorys Attorneys Included on Ohio Super Lawyers and Rising Stars List

News, 8.14.2013
More Than 100 Vorys Attorneys Named to 2014 *The Best Lawyers in America*® List

Publications

Client alert, 3.21.2019
Client Alert: SCOTUS Remands Google Class-Action Settlement over Standing Issues

Client alert, 5.21.2018
Labor and Employment Alert: Supreme Court Upholds Arbitration Waivers Barring Class Actions

Client alert, 2.5.2018
Labor and Employment Alert: New York's Highest Court Rules that Pre-Certification Settlements Require Class Notice

Client alert, 1.23.2018

Labor and Employment Alert: Illinois Appeals Court Holds That the Biometric Information Privacy Act Requires Actual Injury

Client alert, 12.22.2017

Labor and Employment Alert: Illinois Employers Face a Wave of Class Actions for Collecting Biometric Data

Client alert, 5.11.2017

Labor and Employment Alert: California Supreme Court Grants Employers 'Day Of Rest' From Class Actions

Client alert, 11.21.2016

Client Alert: Banks and Thrifts: Please do NOT Ignore the Latest Wave of Website Inaccessibility Demand Letters

Client alert, 8.24.2016

Labor and Employment Alert: The Split Widens: Now the Ninth Circuit Invalidates Class Action Waivers

Client alert, 6.7.2016

Labor and Employment Alert: Seventh Circuit Issues Surprising Ruling Backing NLRB's Prohibition on Class/Collective Action Waivers

Client alert, 5.6.2016

Financial Services Alert: CFPB Invites Comment on Newly Proposed Regulations Banning Class Action Waivers

Client alert, 1.5.2015

Oil and Gas Alert: Supreme Court Holds That Evidence of Amount in Controversy Not Required to Remove Class Action to Federal Court

Client alert, 11.17.2014

Labor and Employment Alert: NLRB Sticks To Its Guns On Arbitration Clauses and Class Action Waivers

Client alert, 6.8.2012

Labor and Employment Alert: A New Hope: California Appellate Court Upholds an Arbitration Agreement Containing a Class and Representative Action Waiver

Client alert, 6.23.2011

Labor and Employment Alert: A Victory for Employers - Supreme Court Reverses Certification of Nationwide Gender Discrimination Class Action

Client alert, 4.8.2010

Client Alert: Recent Supreme Court Ruling May Render Businesses More Susceptible to Federal Class Action Suits

Speaking Engagements

Event, 11.16.2023
2023 Vorys Legal Education (VLE) Seminar

Event, 9.13.2023
AF&PA Fall 2023 General Counsels Coordinating Committee Meeting

Event, 10.17.2019
Knueve and Smith Speak at the 2019 RILA Retail Law Conference

10.20.2017
The Chamberof the Future: Collegiality, Communication and Globalization in the Age of Innovative Technology

7.8.2015
Ohio State Bar Association's 2015 Consumer Law Seminar

Hosted by the Ohio State Bar Association

7.27.2011
Ohio State Bar Association's 2011 Consumer Law Seminar

Presented by the Ohio State Bar Association