

Class Actions



Class actions are a core strength of our firm. Our deep experience limits the burdens of class actions on our clients, and our credibility with plaintiffs' firms helps us resolve many cases early. Chambers USA has ranked us among the top 14 firms in the U.S. for Consumer Class Action Defense, and BTI Consulting has named us to its "Class Action Leaders" list.

We have handled hundreds of class actions across the country, including in antitrust, consumer, employment, energy, healthcare, and securities. We have defeated certification nearly 200 times, won dismissal or summary judgment in dozens more, and decertified classes after being brought in to rehabilitate cases gone astray. We also advise on overall class action portfolio risk and serve as national counsel for market-leading companies.

We excel at early case assessment—knowing when to pursue early resolution and when to mount a strategic defense. We prepare class actions for trial from Day One and try the rare certified cases that go the distance to a jury, judge, or arbitrator. Throughout, we advise on the business considerations beyond the four corners of the litigation.

Our track record benefits clients directly. Plaintiffs' firms trust we are not posturing when we explain why they should not invest in their threatened claims. They know that when our clients litigate, we are more likely to win—at great expense to them. We therefore often resolve for nuisance value class actions that would otherwise cost our clients significant money and management time.

That credibility extends to peers in the class-action defense bar, who frequently ask us to co-counsel or join defense groups. For example, we recently persuaded a joint defense group of manufacturers to follow our client's lead in challenging the weak science plaintiffs cited at the earliest opportunity, earning a full dismissal.

“An enviable reputation for defending high-profile class actions”

– The Legal 500 US

Cases

Won dismissal for Whirlpool in industry-wide consumer class action litigation alleging tens of millions of gas cooking products emit harmful pollutants in homes.

Won a motion for summary judgment for an oil and gas client in an Arkansas federal court class action.

As lead trial counsel for a natural gas company, settled a \$2 billion putative antitrust class action alleging wholesale price manipulation for a small fraction of the demand after persuading the Seventh Circuit to vacate class certification.

Representing a leading ski resort company in two putative antitrust class actions alleging antitrust violations in connection with the pricing of ski passes.

Won a Montana Supreme Court victory for a health system in a putative consumer class action that challenged its policy of issuing refunds in the form of pre-paid debit cards. The victory affirmed our prior summary judgment win and defeated the plaintiff's new claims on appeal.

Defeated class certification for Electrolux in class action involving millions of oven ranges.

Successfully negotiated a class settlement—for 2.5% of the claimed damages—for a major utility provider and its subsidiary in a 15-year-old putative antitrust class action in Colorado federal court.

Defeated class certification and won summary judgment a month before trial in a nine-figure, 80,000 member class action brought against a major insurer in Washington. The plaintiffs claimed our client violated an insurance regulation governing how insurers must value total loss vehicles.

After prevailing on a motion to dismiss all of plaintiffs' nationwide class claims, settled all claims individually for a major appliance manufacturer in a class action involving the doors in all of its microwave ovens.

Successfully defended a favorable class certification ruling in the Ninth Circuit on behalf of a major shipping logistics company.

Won final approval of class settlement and vacatur of a \$15 million attorneys' fee award from the Ninth Circuit in a consumer class action for Whirlpool.

Successfully represented a major North American resort owner and operator in multiple consumer class actions seeking refunds following the company's closure of its ski resorts during the COVID-19 pandemic.

Successfully represented a major telecommunications company in an MDL involving 18 underlying consumer, securities, and derivative class actions, together with over 20,000 mass arbitration claims that challenged the company's marketing and sales practices.

Defeated class certification for Electrolux in a consolidated putative class action in Illinois involving millions of the company's dishwashers.

Defeated class certification for Whirlpool in a bellwether case alleging false advertising of innovative self-cleaning ovens.

Served as lead counsel to a health system to defend against a putative consumer class action in Montana challenging medical records charges.

Successfully represented multiple defendants in a \$2 billion federal antitrust and labor class action challenging the au pair exchange program administered by the Department of State. After four years of litigation, and just two months before trial, we helped to negotiate settlement for the defense group, resulting in defendants paying only 3% of the demand.

Successfully defended and achieved favorable settlement for a telecommunications company in federal and state putative class actions arising out of an alleged data breach.

Defeated class certification amid allegations that two million Whirlpool-made ovens were prone to overheat. Disqualified the plaintiffs' expert witness and successfully argued that the claims were overly broad and the plaintiffs' purported theories for failure were too many to achieve certification.

Won a complete defense jury verdict for Whirlpool as co-trial counsel in a \$66 million certified class action trial in Ohio involving allegedly "moldy" washing machines.

Served as lead class action defense counsel for BP America Production Company in six class actions, including two jury trials to verdict against certified classes of royalty claimants.

EMPLOYMENT CLASS ACTIONS

Won decertification of an FLSA collective with 1,300 opt-ins spread over nine states, which had been conditionally certified before we took over the case. The claim against our global healthcare provider client was for overtime due to alleged missed meal breaks.

Went 10-for-10 defeating class and collective actions throughout the nation for a Fortune 500 company. The streak included obtaining decertification of one of the largest FLSA collectives in the history of the U.S.

Obtained decertification of an FLSA conditional collective that had been certified before we took over the case. After the decertification decision was issued, lawyers for the plaintiffs conceded that another pending nationwide case—which we also were defending—should be decertified as well.

Defeated certification in California federal court of a putative class of more than 5,000 who accused our shipping company client of both misclassification and joint employment and sought recovery under a variety of California federal wage and hour laws.

Defeated certification of two putative classes of almost 30,000 California claimants alleging that our client was a joint employer and liable for a number of California wage and hour law violations.

Defeated certification of a putative class of California claimants alleging our client was a joint employer, seeking compensation for purported “off-the-clock” work. The California state trial court judge agreed with our arguments that the plaintiff’s “common” evidence did not show joint employment under California law.

Successfully negotiated a nuisance value settlement in a putative class action for overtime wages in federal court in Illinois, before our client had to incur any substantial fees or costs in discovery or for significant briefing.

Defeated certification of a putative class of 20,000 California claimants alleging that our client was a “joint employer” and was liable for unpaid overtime and other wage-and-hour violations.

Won dismissal with prejudice in a putative wage-and-hour class action in Kentucky. After defeating the plaintiff’s attempt to obtain nationwide discovery against our client, we then filed a summary judgment motion on the plaintiff’s claims. Rather than opposing the motion, the plaintiff agreed to dismiss his claims with prejudice.

Won summary judgment on breach of contract and breach of fiduciary duty claims for a multinational corporation accused of intellectual property theft.

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