

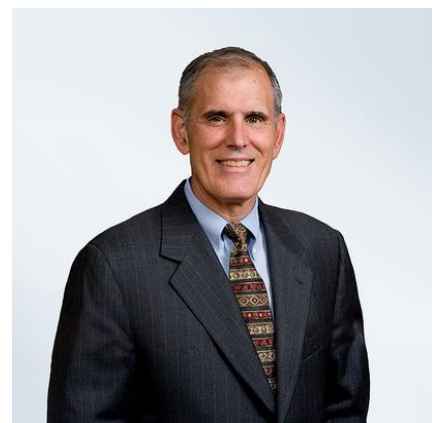
Defeated class certification for Nash Finch (now SpartanNash), a Fortune 500 food distribution company, in claims involving common law fraud, civil theft, and violations of the Colorado Consumer Protection Act stemming from complaints about a specific pricing program in various grocery stores. We then obtained summary judgment against the 55 named plaintiffs.

2013

Wheeler Trigg O'Donnell obtained a victory on behalf of its client, Nash Finch (now SpartanNash), a Fortune 500 food distribution company, when the United States District Court for the District of Colorado denied a motion for class certification. The plaintiffs had filed a motion to certify a class of consumers who had shopped during a specific pricing program at various grocery stores owned by WTO's client. The plaintiffs alleged common law fraud, civil theft, and violations of the Colorado Consumer Protection Act and sought treble damages.

On March 29, 2013, the Court denied the plaintiffs' motion, agreeing with WTO's defense that individual inquiries

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predominated over common inquires and that the plaintiffs had not met their burden of proof in having an adequate class representative. Following the ruling on certification, WTO won dismissal of the remaining 55 named plaintiffs on summary judgment.

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Class Actions