

Class Action

We are seasoned trial lawyers with extensive class-action litigation experience in state and federal jurisdictions throughout the United States. Our experience includes class actions brought against our corporate clients face initiated by their customers, competitors, suppliers, investors, shareholders, regulators, and employees. We have also represented plaintiff classes in antitrust and desegregation cases. Our class action practice reaches across the major substantive areas of the law, including antitrust, securities, financial, business tort, consumer finance, consumer fraud, contract, insurance, product liability, employment, and other fields.

Experience

Representative Matters

Commercial

- Represented food franchisor in five separate class actions brought in state and federal courts in four states alleging wrongful sales taxation on certain food products. Obtained dismissals in all cases, one of which the plaintiff dismissed after limited discovery in the face of a rule-11 type sanction motion. The dismissal obtained from the District Court for the Southern District of New York was affirmed by the Second Circuit Court of Appeals.
- Represented subsidiary of Fortune 500 company in defense of dozens of class actions across the country involving fraud and RICO claims against it and several additional defendants. Appeared at several collateral bankruptcy and removal proceedings in state courts throughout the country, and before the Judicial Panel on Multidistrict Litigation.
- Represented group of insurers in class actions initiated in jurisdictions across the country alleging wrongful collection of workers' compensation insurance premiums brought against them and several additional insurers; participated in coordinated national defense team.
- Represented a corporate client in a class action involving groundwater contamination initiated by roughly 38,000 residents of Twin Cities' suburbs. Defeated class certification.
- Represented client in one of the financial arms of a large automobile manufacturer on a proposed Minnesota class relating to consumer lease provisions. Defeated all claims on the merits.
- Represented client in a class action brought alleging practice of sending unsolicited advertisements via fax.
- Represented class of bondholders who purchased municipal bonds from Hennepin County to finance construction of garbage incinerator. Defeated dismissal before the Minnesota Supreme Court and achieved \$10 million settlement.
- Represented plaintiff classes in school desegregation class actions.

Antitrust

- Represented franchisor against class action alleging antitrust, contract, and fiduciary duty claims relating to advertising programs and supply of product to franchisees. Obtained interlocutory appeal of class certification and achieved settlement on appeal.
- Represented client in case involving restraint and monopolization claims. Consolidated actions brought by two nationwide classes, attorneys general of 34 states, and a separate action by Federal Trade Commission.
- Represented major car rental agency defending antitrust class actions.
- Represented client defending an antitrust class action involving anti-schizophrenia medication.
- Represented companies and industry associations in multidistrict litigation against Wall Street banks in antitrust class actions in connection with credit card fees alleging billions in damages.
- Represented plaintiffs in antitrust class actions involving LCD TV panels. Achieved \$1.2 billion settlement, believed to be the largest antitrust settlement achieved on behalf of an indirect purchaser class.

- Representing plaintiffs in class actions venued in multidistrict litigation alleging antitrust violations in connection with the sale of liquid aluminum sulfate for use in water purification systems.
- Representing plaintiffs in class action involving price-fixing and deceptive trade practices in the sale of prescription dog and cat food.

Employment

- Represented Fortune 500 company in defense of nationwide class action alleging gender discrimination and hostile environment claims. Defeated class certification on nationwide hostile environment claim, which claim was based, in part, on the content of electronic communications company-wide; defeated damages class on pay and promotion claims; obtained summary judgment on 10 of 12 lead plaintiffs' hostile environment claims.
- Represented Fortune 500 company in defense of nationwide class action alleging the company misclassified employees as non-exempt in violation of the FLSA. Obtained decertification of over 500 employees and former employees nationwide claiming misclassification under the FLSA; obtained dismissal without prejudice of all misclassification claims except for those of lead plaintiffs; obtained summary judgment on one lead plaintiff's misclassification claim; defeated plaintiffs' sub-classwide motions for summary judgment on their misclassifications claims.
- Defended large public school system in expedited class-action lawsuit alleging disability and race discrimination stemming from largest mass school closing in U.S. history. Defeated class certification motion and preliminary injunction motion following full discovery and a hearing on the merits. Obtained complete defense victories on the merits in related multi-plaintiff litigation in other forums.
- Represented a restaurant in a class action lawsuit brought by the EEOC on behalf of approximately 200 current and former Hispanic employees of the restaurant who alleged discrimination based upon national origin.
- Defended staffing company in a federal wage and hour collective action. Obtained order decertifying the class.
- Defended an employer in a Minnesota state action involving claims that the plaintiffs were incorrectly classified as independent contractors and had been improperly paid under state wage and hour laws.
- Defendant class action alleging gender and race discrimination suit. Resolved by confidential settlement.
- Defended employer in wage and hour tip pooling case brought by former employee on behalf of others similarly situated in Massachusetts.