

## CLASS ACTIONS

### OVERVIEW

In the last 15 years alone, we have handled more than 1,000 class action lawsuits across the United States. We offer depth of talent in every U.S. office and have defended class claims in all areas of substantive law in virtually every jurisdiction in the United States and Canada. Our teams are led by trial lawyers whose experience extends beyond defeating class certification and winning on the briefs, by trying high-risk cases before juries. We believe that front-line trial experience and perspective is crucial for managing every stage of litigation.

### SECTOR FOCUS

Class action defense is not monolithic. We structure our teams around the industries and practice areas that are relevant to our clients. Under this client-first approach, we invest in knowing our clients' businesses and legal needs to develop a global perspective for their litigation. For each case, we rely on deep experience in critical industries, including financial institutions; professional and college sports organizations; health care, life sciences and pharmaceuticals; automotive, aviation, trucking and railways; insurance; food & agriculture; retail; manufacturing; franchising; and consumer services, among many others.

### NATIONWIDE EXPERIENCE

- [Antitrust](#)
- [Consumer Fraud](#)
- [Data Privacy, Telecommunications & Collections](#)
- [Employment Class and Collective Actions](#)
- [ERISA and ESOP](#)
- [UK & EU Class Actions](#)
- [Financial Services](#)
- [Food, Ag & Nutrition](#)

- [Insurance](#)
- [Shareholder Securities and M&A](#)
- [Pharmaceutical and Medical Devices](#)
- [Sports](#)
- [Toxic Tort](#)

## MEET THE TEAM



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## AREAS OF FOCUS

- Toxic Tort
- Consumer Fraud
- Financial Services Class Actions
- Food, Ag and Nutrition Class Actions
- Data Privacy, Telecommunications and Collections
- ERISA and ESOP
- Pharmaceutical and Medical Devices (Class Actions)
- Sports Class Actions
- Shareholder Securities and Mergers & Acquisitions
- Employment Class and Collective Actions
- Antitrust Class Actions
- Multi-District Litigation and National Coordinating Counsel
- Insurance Class Actions
- UK & EU Class Actions

## EXPERIENCE

Here are a few select examples across practice groups and sectors.

- **Defense Judgment in Certified Class Action for American Century Companies.** We won a defense judgment after a three-week trial in a certified class action seeking more than \$30 million in damages based on alleged mishandling of assets in retirement funds.
- **Numerous Victories for AARP.** We won summary judgment in a case alleging that AARP received illegal insurance commissions by endorsing a Medicare Supplement insurance program and licensing intellectual property to an American multinational managed healthcare and insurance company. The most recent victory, in California federal court, was the latest in a string of victories by BCLP, including before the Second Circuit, Fifth Circuit, Ninth Circuit, Central District of California, Eastern District of Pennsylvania, Southern District of Florida, Southern District of New York and Southern District of Texas.
- **Summary Judgment Victory for a large American tax preparation company.** We won summary judgment in putative class actions alleging violations of the Fair and Accurate Credit Transactions Act (FACTA) seeking \$4 billion in statutory damages. The victory was affirmed by the Eighth Circuit on appeal.

- **Summary Judgment for Food Manufacturer and Grocery Chain.** We won summary judgment on behalf of a major food manufacturer and one of the largest grocery store chains in a putative class action in California alleging unfair competition, false advertising and breach of warranty by a consumer who claimed he did not get the benefit of his bargain from frozen vegetables packed by the manufacturer and sold under the grocery store brand name.
- **Defeated Certification of Nine-Figure Putative Class Action.** We defeated class certification in a putative class action raising claims under California's unfair competition and false advertising laws in a nine-figure consumer fraud class action against a workplace solutions company in the Northern District of California. The Ninth Circuit affirmed the denial of certification.
- **Defeated Certification of Nationwide Class in Consumer Protection Case.** We defeated class certification in a putative nationwide class action brought in Florida against a beverage carbonation company alleging illegal price escalations. We then defeated the plaintiffs' motion for reconsideration of the denial of class certification and their request for an interlocutory appeal under Rule 23(f).
- **Defeated Certification of California Wage & Hour Class Action.** We defeated class certification against one of the largest pharmacy retailers in the United States in a case involving various wage and hour claims under California law. The potential classwide exposure exceeded \$200 million, and the favorable certification ruling resulted in a discounted settlement in exchange for dismissal of an appeal.
- **Dismissal of Nationwide Class Action for World's Largest Supplier of Heating Elements.** We won a dismissal with prejudice of a putative nationwide class action for Tutco, LLC, the world's largest supplier of electric resistive heating elements, alleging that the plaintiffs overpaid for allegedly defective HVAC units.
- **Dismissal in Securities Class Action.** We won a dismissal with prejudice in a securities law class action challenging the accuracy of proxy statements brought under Sections 14(a) and 20(a) of the Securities Exchange Act of 1934. On appeal, the appellate court affirmed the dismissal and used the case to clarify which body of law courts within the Eleventh Circuit must follow in determining whether a lawsuit is direct or derivative.
- **Dismissal in Baby Powder Class Action.** We won a dismissal with prejudice of a putative class action alleging client failed to warn about the risk of ovarian cancer associated with baby powder, allegedly causing the plaintiff to pay more for the product than it was worth. The court rejected the claim because the plaintiff had received the benefit of her bargain: safe and effective baby powder for her intended use.
- **Global Class Action Win.** Our French Competition and Distribution Team advised on one of the first class actions lodged by a consumer association. This was one of the first-ever class

actions launched in France. The Paris Court of First Instance ruled in favor of our client.

- **Representation of NHL Clubs in Concussion Class Action.** We served as lead counsel for all 30 NHL clubs in the concussion multidistrict litigation and nationwide class action. After the court denied class certification, we continued to represent the clubs in individual concussion lawsuits filed by former hockey players.

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### **Can multiple claimants use the same claim form in group actions?**

A recent decision in the Birmingham County Court has added to the body of case law growing around the test for listing multiple claimants on the same claim form. In *Angel and others v Black Horse Limited*, unreported, 8 September 2023, County Court at Birmingham, a case involving over 5,000 claimants bringing claims against 8 finance companies, the claimants had issued proceedings using 8 claim forms (one against each defendant). HHJ

Worster held that in this case it was impermissible under CPR 7.3 to use a single claim form for all the claims against the same defendant. The judge therefore ordered the claimants to sever their claims from the common claim forms. HHJ Worster relied heavily on the guidance given by the High Court in *Abbott v Ministry of Defence* [2023] EWHC 1475 (KB) on the CPR 7.3 “convenience test”, which concerns whether multiple claimants may use a single claim form. These cases ...

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