

Practice Contact

Suzanne K. Richards
614.464.6458
skrichards@vorys.com

Class Actions

Our lawyers regularly defend our clients in class action lawsuits brought in federal and state courts across the country. Because the class action mechanism may allow thousands of individual claims to be pursued jointly, such cases can present high-stakes challenges for defendants. Such cases also involve unique standards and procedures that govern certification of classes, notice, settlement, and trial. Our lawyers are proficient at creatively developing and persuasively presenting arguments against class certification, and marshalling the lay and expert evidence that support those arguments.

We have significant experience in counseling clients on the appropriate forum for the defense of particular class actions and have employed the Class Action Fairness Act (CAFA) and other mechanisms to remove state court class actions to federal court. When our clients are beset by class actions pending in multiple federal courts, we have used the Judicial Panel on Multidistrict Litigation process to coordinate the cases, avoid duplication, and reduce defense costs. We have successfully advocated sequenced discovery, so that class issues may be decided before onerous, and potentially unnecessary, classwide discovery on the merits of claims occurs. In cases where classes are certified, we have worked successfully with in-house counsel to manage both liability risks and defense costs – whether the client ultimately decides to litigate the claims on the merits or to proceed with a class-wide settlement.

Our recent representations in this area include the following matters:

- Obtaining summary judgment for a retailer in a putative nationwide class action and collective action alleging multiple violations of federal and state wage and hour laws, and obtaining summary judgment on behalf of the same retailer in a putative class action alleging multiple violations of state wage and hour laws
- Defeating class certification and obtaining summary judgment on all claims asserted against a major manufacturer in a class action involving claims of race discrimination in promotion and other employment decisions

(Class Actions Continued)

- Negotiating a quick and cost-effective settlement of class claims on behalf of a lender on claims for fraud, breach of contract, unjust enrichment, and conversion
- Defeating class certification, at the trial court level and on appeal, in an action against a funeral services provider alleging consumer fraud and financing violations
- Vindicating a large consumer lender's contractual right to arbitration in a federal action by a class of consumers alleging predatory lending claims