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Litigation

Can an Offer of Complete Relief to the Named Plaintiff Moot a Class Action?

Litigation Journal

Lane Powell Attorneys Laura Richardson and Erin Wilson authored an article for the Oregon State Bar's *Litigation Journal* Fall 2015 edition titled "Can an Offer of Complete Relief to the Named Plaintiff Moot a Class Action?" In the article, Richardson and Wilson discussed class action lawsuits and a strategy defendants of these cases have used to quickly and efficiently resolve them — in providing a full offer of judgment to the named plaintiff prior to class certification, effectively rendering the plaintiff's claim moot. However, since the ruling by The Supreme Court in 2013 in *Genesis HealthCare Corp. v. Symczyk*, not all levels of the courts have been consistent in their use and analysis of how the Court's ruling in *Genesis* applies to class actions of today. Laura and Erin offer up alternative solutions to resolving class action lawsuits.

The Supreme Court is set to resolve this issue this term when it considers the matter of *Gomez v. Campbell-Ewald Co.*....

Should the Supreme Court determine that class actions survive such offers of judgment, defendants will have to consider alternative methods of limiting their exposure to class action liability. In the words of Benjamin Franklin, "an ounce of prevention is worth a pound of cure."