

Class Actions

While the defense of each and every lawsuit presents its own particular complications and burdens for the defendant, few would dispute that in today's business climate class action lawsuits and other multi-claimant proceedings have become a special breed of lawsuit. These cases often present the greatest litigation risk to businesses and employers. Experts expect a continued increase in the number of class actions filed against businesses, the individuals who run businesses and entire industries.

The Class Actions Team at Lane Powell is well recognized as a leading force in the defense of class actions throughout the U.S. In fact, our practice has been highly ranked in the *U.S. News – Best Lawyers*[®] annual “Best Law Firms” survey for representing defendants in mass tort litigation and class action. We are among the few firms that have hands-on experience trying class actions before judges and juries to conclusion. We have defended more than 100 class action lawsuits in state and federal courts throughout the U.S. Our class action experience has allowed us to develop considerable experience in all aspects of class action litigation and has involved a broad spectrum of subject matters, including:

- Alien Tort Claims Act;
- Annuity sales and marketing practices;
- Antitrust/trade regulation;
- Automobile insurance;
- Banking and mortgage lending practices;
- Consumer protection;
- Consumer credit and fair credit reporting;
- Debt collection;
- Employee benefits;
- Employment discrimination;
- Environmental/toxic tort;
- ERISA;
- Fiduciary duty/trust issues;
- Health care;
- Life, health and disability insurance;
- Pharmaceuticals;
- Products liability;
- RICO;
- Securities;
- Telecommunications;

- Utilities; and
- Wage and hour.

We have a well-established track record of defending class action allegations and litigation with creative, aggressive and practical litigation strategies. Our experience in defending class actions allows us to recognize the unique defense challenges posed by class action claims. Typically, the class action lawsuit involves hundreds, if not thousands or even tens of thousands of claimants. As a result, the stakes are often very high, and the costs of defense substantial, if not devastating, to the average business. We recognize this reality and routinely counsel clients on identifying and avoiding exposure to class action claims.

When a client is named as a defendant in a class action, we immediately begin an early exposure assessment of the claims, including an analysis of what our client should expect the day-to-day impact of the litigation to be on its business operations and employee morale. We emphasize that the early appointment and education of a client team may be crucial to quickly identifying and addressing important preliminary issues such as insurance coverage for the claims, the implications on securities law obligations and disclosures that may be triggered by the claims, the need to interface with government agencies that may be involved with the claims, the potential necessity for separate counsel for individual defendants, the impact the claims may have on public relations and media coverage, and the logistics of maintaining solid employee relations and communications, in spite of the litigation.

At the same time that we evaluate the potential class size and client exposure, we also work with the client to prepare a customized litigation strategy plan that includes an analysis of such legal issues as whether the class action mechanism is an appropriate vehicle for the joinder of the claims presented and whether state or federal law governs the case. From the outset, we conduct a thorough factual investigation of the claims and backgrounds of the plaintiff's named in the suit. We may also interview potential class members, and secure the services of experts necessary to defend the claims. We are proud of our success in targeting early discovery and motion practice to avoid class certification. We also keep a watchful eye on settlement opportunities, and press for alternative dispute resolution as appropriate. Most importantly, when a class action must be taken to trial, we are ready and able to do so, and have actually tried class action claims to successful conclusion before judges and juries.

Experience

Carr v. United Healthcare Services Inc.

Case No. 2:15-cv-01105 | U.S. District Court, Western District of Washington | Seattle, Washington

Defended United HealthCare Services, Inc. (UHC) in a large complex class action lawsuit concerning all of UHC's self-funded plans nationwide and claims related to the Federal Mental Health Parity and Addiction Equity Act.

Eaton v. Equilon Enterprises

U.S. District Court, Western District of Washington

ERISA class action contingent workers; dismissed.

Mary L. Johnson v. MGM Studios Inc. and Twentieth Century Fox Home Entertainment LLC

Case No. 2:17-cv-00541-RSM | U.S. District Court, Western District of Washington | Seattle, Washington

Defended client against class action alleging violation of Washington's Consumer Protection Act.

Palavalli v. Bank of America, N.A.

U.S. District Court, Western District of Washington

Class action, mortgage contract.

Capitol West v. Countrywide Home Loans, Inc.

U.S. District Court, Western District of Washington

Class action, RICO.

Douglas v. ReconTrust Company, N.A.

U.S. District Court, Western District of Washington

Class action, Washington Consumer Protection Act.

Lund v. Sea Ray

Class action, fuel consumption/consumer protection.

Prescott et al v. CVS Health Corporation et al.

Case No. 2:17CV00803 | U.S. District Court, Western District of Washington | Seattle, Washington

Class action, RICO — prescription drug pricing.

Beyer v. Countrywide Home Loans, Inc.

U.S. District Court, Western District of Washington

Class action, mortgage contract.

Wright v. AMC Mortgage Services, Inc.

Class action, mortgage contract.

Abell, et al. v. Northwest Toys Co., et al.

Wage and hour compliance.

A.D. v. T-Mobile USA, Inc. and United Healthcare Services, Inc.

Case No. 2:15-cv-00180 | U.S. District Court, Western District of Washington | Seattle, Washington

Represent T-Mobile and United Healthcare in a putative class action alleging that the Employee Benefit Plan provided and administered by our clients unlawfully excluded an intensive behavioral intervention treatment called Applied Behavior Analysis (ABA) from among the many treatment options covered by the Plan for autism spectrum disorder.

A.G., et al. v. Premera Blue Cross, et al.

Case No. 11-2-30233-4 SEA | King County Superior Court | Seattle, Washington

Represented client Premera Blue Cross in a Washington Mental Health Parity Act and consumer protection matter.

Alvarez, et al. v. IBP, Inc.

Case No. CT-98-5005-RHW | U.S. District Court, Eastern District of Washington
Wage and Hour compliance.

Hovila v. Tween Brands Inc.

Case No. C09-491RSL | U.S. District Court, Western District of Washington
Telephone Consumer Protection Act (TCPA) class action.

McClintic v. Lithia Motors, Inc.,

Case No. C11-859RAJ | U.S. District Court, Western District of Washington
Telephone Consumer Protection Act (TCPA) class action.

Turnquist v. Nordstrom, Inc.

Case No. 2:15-cv-00710 | U.S. District Court, Western District of Washington
Defended Nordstrom against allegations levied by a former employee of nationwide class action and personal employment claims asserting that Nordstrom accounting methods violated law and employees reporting errors were discharged.

Alpha Therapeutic v. Allianz

Case No. BC 080 447 | Los Angeles County Superior Court
Insurance coverage litigation for environmental claims.

Clark v. Payless Shoesource, Inc., et al.,

Case No. C09-00915JCC | U.S. District Court, Western District of Washington
Telephone Consumer Protection Act (TCPA) class action.

Big Box Retailer Wage & Hour Class Action Lawsuit

Defended big box retailer in a Wage and Hour Collective Action two-phase jury trial to judgment involving off-the-clock work allegations.

UNITE v. The Gap Superior Court San Francisco

U.S. District Court, District of Alaska
Saipan Sweatshop Litigation — Civil RICO Class Action regarding Saipan garment manufacturing industry.

Bourse v Texaco

Represented client Texaco in a Contract Employee Class Action successfully defeating class certification.

Contos v. National Bank Escrow Company LLC

Case No. C08-838Z | U.S. District Court, Western District of Washington | Seattle, Washington
Represented National Bank Escrow in a putative class action lawsuit claiming violation of RESPA section 8(a) (12 U.S.C. § 2607(a)), the Washington Consumer Protection Act, and breach of fiduciary duty.

Carbon Materials Company Cartel Investigations

Defend cartel investigations in the U.S., EU and Canada. Follow on civil litigation including 15+ class actions in the U.S. Settled before trial.

Carello v. Diamond Parking, Inc.

Case No. 1:10-cv-00734 | U.S. District Court, District of Hawaii

We acted as national counsel and lead trial counsel for Diamond Parking, Inc. and related entities in a national constitutional, civil rights and consumer class action arising out of our client's parking concession agreement with the State of Hawaii.

Carbon Materials Company In re Graphite Electrodes Antitrust Litigation

Case No. 97-CV-4182 | U.S. District Court, Eastern District of Pennsylvania

Defend cartel investigations in the US, Japan, EU, Brazil and Canada. Follow on civil litigation including 30+ class actions in the U.S. and Canada.

Kayshel v. Toyota of Kirkland

Defending the O'Brien Auto Group, comprised of more than a dozen auto dealerships, against claims that the dealerships failed to pay their sales consultants commissions on sales made on finance department products.

Big Box Retailer Wage & Hour Class Action Lawsuit

U.S. District Court, District of Oregon

Defended big box retailer in case alleging the company failed to timely pay associates at the time of the termination of their employment. A favorable settlement was achieved and approved by the court.

Big Box Retailer Wage & Hour Class Action Lawsuit

U.S. District Court, District of Alaska | Anchorage, Alaska

Represented big box retailer in four major wage and hour class action lawsuits pending in the states of Alaska, California and Oregon, as well as consumer-based class allegations under gift card and consumer protection laws in the state of Washington.

Big Box Retailer Wage & Hour Class Action Lawsuit

U.S. District Court, District of Oregon

Defended big box retailer in case alleging the company failed to timely pay associates at the time of the termination of their employment. A favorable settlement was achieved and approved by the court.

Schroeder v. Diamond Parking, Inc. et al

Case No. 1:12-cv-00378 | U.S. District Court, District of Hawaii

We acted as national counsel and lead trial counsel for Diamond Parking, Inc. and related entities in a national constitutional, civil rights and consumer class action arising out of our client's parking concession agreement with the State of Hawaii.

In re WPPSS Securities Litigation

Case No. MDL No. 551

Acted as securities litigation strategist on team defending Oregon Public Utility Districts in \$2.2B class action brought by thousands of public utility bond purchasers and procured extremely favorable settlement.

Getty v. Harmon

Case No. C98-178WD | U.S. District Court, Western District of Washington

Defend stockbroker/insurance salesman in federal court class action in Seattle under the PSLRA, and served as special securities defense counsel in parallel grand jury proceedings. Overcame class damage theories to spark a settlement highly satisfactory to client and his insurance carrier.

A.F. v. T-Mobile USA, Inc. and United Healthcare Services, Inc.

Case No. 2:15-cv-00180 | U.S. District Court, Western District of Washington | Seattle, Washington

Represent T-Mobile and United Healthcare in a putative class action alleging that the Employee Benefit Plan provided and administered by our clients unlawfully excluded an intensive behavioral intervention treatment called Applied Behavior Analysis (ABA) from among the many treatment options covered by the Plan for autism spectrum disorder.

A.D. v. T-Mobile USA, Inc. and United Healthcare Services, Inc.

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