

## CLASS ACTION DEFENSE

Husch Blackwell's class action defense team of attorneys has significant experience defending class actions in state and federal courts across the country. Our class action defense team handles everything from “bet the company” multidistrict litigation to coordinated industry attacks, supplier litigation, toxic exposure, and mass consumer and employment actions.

Using innovative and creative strategies, our attorneys are able to thwart many potential class actions. When classes are certified, our determined and seasoned team secures the best possible results for the clients we defend.

### Commercial and consumer class actions

Husch Blackwell's class action defense team defends clients' business practices against putative class action claims. Many are dismissed after motion practice, with no client liability, because the claims of class representatives fail. Our experience includes defending putative class action claims involving Telephone Consumer Protection Act (TCPA), antitrust, securities, labor and employment, consumer fraud, and banking and lending.

### Toxic tort and product liability class actions

Our class action defense team has a long history of defending chemical, environmental response, energy,



*When we were hit with a complex web of wage and hour class actions, Husch Blackwell was the natural choice. The team's expertise in the substantive legal issues, combined with the investment they made to develop a deep knowledge of our business, has made them a uniquely effective litigation partner.*

— Carey L. Bartell,  
Vice President, Chief  
Counsel – Legal &  
Government Affairs,  
Conagra Brands Inc.

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agricultural, manufacturing, and other companies in toxic tort putative class actions. Our advocacy has helped deliver impressive jury trial defense verdicts in high-profile tort cases for our clients.

## Virtual partnerships

In addition to serving as lead counsel, our attorneys work effectively and amicably on virtual law firm teams created to meet clients' class action defense needs. We develop and implement online sites where we can efficiently share documents, pleadings, and depositions with co-counsel nationwide.

## Class Action Fairness Act (CAFA) and other removals

Husch Blackwell litigators have filed dozens of removal petitions in complex cases, prosecuting and defending petitions for leave to appeal from class action remands. Upon request, we quickly review any putative class or mass action filed in state court and advise on the potential for removal to federal court and the strategic implications of that decision.

## Representative Experience

Secured complete and final dismissal on the merits of a putative class action for Compana Pet Brands (Manna Pro Products LLC), a leading animal care and nutrition company, in connection with its Nutri-Vet Hip & Joint supplements (glucosamine/chondroitin) for dogs concerning claims of false or misleading labels and

deceptive advertising practices. *Perry v. Manna Pro Products, LLC*, E.D.Mo., Case No. 4:22-cv-00127-AGF.

Defended Express Scripts Inc. against putative class of more than 75,000 plan beneficiaries seeking to recover damages allegedly sustained in a data breach. The court granted our motion to dismiss, holding that the plaintiffs could not establish damages.

Defeated putative nationwide class action filed in Madison County, Illinois, challenging a national bank's ability to charge a check-cashing fee to a noncustomer as a "wrongful dishonor." The Illinois appellate court affirmed our argument that federal law pre-empted state law and allowed the imposition of the fee.

Defended international oil and gas company in Madison County, Illinois, against putative class of residents seeking personal and property damages from alleged groundwater contamination. In a nearly identical case in an adjoining community, a different putative class obtained total recovery of \$40 million. Our team devised a completely different defense, and ultimately plaintiffs voluntarily dismissed our client from the case with no recovery from it.

Defended microelectronic chemical manufacturer in 18 related lawsuits brought by more than 250 current and former IBM clean room workers and their families.

Plaintiffs alleged personal injury caused by on-the-job and in-utero exposure to "hazardous toxic chemicals and substances" at IBM computer chip plants. We obtained summary judgments based on general and specific

causation in bellwether cases and summary judgment against more than 90 other claimants based on applicable statutes of limitations, positioning the client for a de minimis settlement of the remaining claims.

Defended manufacturer in a putative class action case alleging property damage from mercury release. The court denied class certification and the case, along with nine other personal injury cases, was favorably settled.

Defended corporate clients in three related cases removed to U.S. District Court seeking certification of class seeking property and medical monitoring damages, including more than 1,200 individual personal injury claims. All cases were ultimately dismissed without prejudice.

Defeated a consortium of plaintiffs' lawyers representing more than 150 former students of career colleges owned by client Career Education Corp. (CEC). The consortium filed numerous actions claiming multiple counts of consumer fraud relating to CEC's enrollment practices. After a five-week trial in the first case, the jury returned a verdict in favor of CEC against four plaintiffs and awarded the fifth plaintiff less than \$10,000 in damages. The Missouri Court of Appeals affirmed the judgment.

Obtained denial of class certification and obtained summary judgment in favor of clients on claims for violation of New Jersey Consumer Fraud Act.

Obtained dismissal of a series of consolidated securities class action lawsuits on behalf of Fortune 100 pharmacy benefits client.

Defended a putative statewide class action alleging insurance redlining" against multiple homeowner insurers in Missouri. Class certification was denied, and the actions of the named plaintiffs dismissed without prejudice. The U.S. Appeals Court affirmed on appeal, and the U.S. Supreme Court denied certiorari.

Defended a major insurer in a \$600 million Employee Retirement Income Security Act (ERISA) class action lawsuit. Plaintiff sought recovery on behalf of 23,000 present and former independent contractor insurance agents. We obtained summary judgment on all claims.

Defended a national automotive service company in a California class action alleging violations of wage and hour provisions. We obtained favorable settlement after taking key depositions of class representatives.

Successfully defended class action brought by claimants challenging the employment applications used by 102 employer defendants.

Defended insurance company in multiple class actions across the country alleging coverage for business interruption losses allegedly arising from the COVID-19 pandemic.

Led the defense of a class and collective action where plaintiffs claimed unpaid overtime with alleged damages in the seven figures.

Represented Suddenlink in a collective action filed by a group of call center employees who alleged they were not

paid for periods of time spent prior to clocking in (booting up computers and other work activities).