

CONSUMER FRAUD

OVERVIEW

When a company introduces a new product or employs innovative sales strategies to grow its existing market share, the company's upward growth involves a risk of consumer fraud litigation. Consumer fraud allegations may challenge one or many products or services, and range from "classic" fraud to more nuanced challenges regarding unfair practices, false advertising, product packaging/labeling, breach of warranty, product efficacy, unlawful fees/charges, price/rate escalations, "pink" taxes and over-collection of taxes, among other legal theories. Beyond the burden of litigation, an unexpected consumer fraud lawsuit may impact future investment in R&D, threaten a critical line of business, or even jeopardize the viability of the company itself. Moreover, some consumer fraud class actions come with reputational risks for the company's relationship with its other consumers. As a result, our team adopts a tailored approach to defending consumer fraud class actions by carefully balancing litigation risk with business reality.

Our Consumer Fraud Team has rich experience defending single-state and nationwide consumer fraud class actions in state and federal courts throughout the country. More than 60 percent of the class action claims we defend entail some component of consumer protection. We have briefed the consumer protection laws of all 50 states and defended claims under all of them. Drawing on this experience, we represent some of the country's largest public and private companies, including clients in manufacturing, pharma, tech, retail, e-commerce, banking and financial services, food and beverage, professional services, and countless other consumer-facing industries. Our consumer fraud team includes lawyers designated as fellows of the American College of Trial Lawyers, as Super Lawyers and as among The Best Lawyers in America.

Our Consumer Fraud Team closely manages all aspects of class action litigation, including motions to compel arbitration, dispositive motions, defeating class certification, class and merits discovery, expert strategy and, when necessary, winning at trial before a jury. For every lawsuit, we are attuned to the difference between a litigation victory and a business victory. In some instances, a business victory may involve fighting to set strategic legal precedent to protect a product or service. In others, a business victory may involve seeking early resolution and settlement to avoid unwarranted expense.

Our client relationships do not end at the courthouse doors. We track changes in consumer protection laws and their impact on our clients' industries, mindful of the intricacies of our clients' operations in multiple states. We closely monitor shifts in strategy by the plaintiff's bar that may

expose clients to future lawsuits. Finally, we advise clients on their business strategies, including sales strategies, product labeling and online terms and conditions, in an effort to gain tactical advantages before litigation begins or to ward off litigation altogether.

MEET THE TEAM

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EXPERIENCE

- Defeated class certification on behalf of waste disposal company in class action lawsuit alleging unlawful collection of environmental/fuel surcharges and administrative fees from its customers.
- Defeated certification of nationwide class action under unfair and deceptive trade practices act brought against beverage carbonation company.

- Dismissal of putative class action against “big box” retailer regarding so-called “pink” taxes for female consumer products.
- Dismissal of putative class action against beef producer regarding “Product of the USA” label.
- Dismissal of putative class action against food manufacturer regarding labeling claims about butter made with “Milk From Grass-Fed Cows.”
- Dismissal of putative class action regarding alleged warranty breaches for HVAC systems.
- Negotiated favorable settlement for a leading technology defendant in a nationwide class action involving claims of consumer and common law fraud arising from leasing of telephones.
- Negotiated favorable non-classwide settlement for manufacturer in putative class action regarding labeling for insect repellent.
- Representing the leading provider of workplace solutions as defendant in a class action lawsuit alleging false advertising, intentional fraud, unfair competition and RICO violations related to office space rentals.

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