

Class Action Litigation

Over the past 20 years, Williams Mullen's Class Action Litigation Team has represented clients nationwide in federal and state class action litigation. Our clients include an array of businesses and individuals involved as plaintiffs and defendants in class actions charging consumer law violations, unfair or deceptive trade practices, employment law claims, product liability claims, discrimination claims, energy law and regulatory violations, telecommunications law violations, as well as violations of other business and industry laws and regulations. Our class action litigators have valuable knowledge in prosecuting and defending class action litigation for both plaintiffs and defendants.

Class Action Attorneys for State and Federal Matters

Our class action attorneys are knowledgeable about the special rules and procedures governing the maintenance and prosecution of class action proceedings, both in federal and state courts and how they apply to any given set of claims. Williams Mullen's class action litigators have successfully represented plaintiffs in motions to certify a class and opposed such motions on behalf of defendants. We have engaged in discovery of facts necessary to maintain or oppose a class action and have given the requisite notices of class action claims and opposed inadequate notices. Additionally, our class action attorneys have gained judicial approval for proposed class settlements that we have initiated, and successfully opposed efforts to derail such settlements.

A Component of Class Action Success: Cutting-Edge Technology

Our state-of-the-art hardware and software systems make us particularly adept at retrieval, management and use of the large volume of documents typically involved in class action litigation. Of special note is our extensive knowledge, ability and experience in the retention, retrieval, management and use of electronically stored information (ESI). Preservation, organization, production and effective use of ESI is a necessary component of success for any large case, and especially for class actions.

Experience in All Areas of Class Action Matters

Our experience in class action matters has given our class action attorneys the tools and knowledge to effectively structure and administer settlements for our clients. This experience ranges from relatively small, single-state class actions to large, national class actions governed by CAFA (Class Action Fairness Act). An effective settlement structure provides defendants with an end to the distraction, cost and threat of further exposure relative to the class action claims.

Additionally, our experience provides our clients with knowledgeable advocates who are able to develop and execute effective strategies for trial should that be the necessary alternative for resolution of class claims.

Experience

THE CASES LISTED BELOW ARE ILLUSTRATIVE OF THE MATTERS HANDLED BY THE FIRM. CASE RESULTS DEPEND UPON A VARIETY OF FACTORS UNIQUE TO EACH CASE. NOT ALL CASE RESULTS ARE PROVIDED. CASE RESULTS DO NOT GUARANTEE OR PREDICT A SIMILAR RESULT IN ANY FUTURE CASE UNDERTAKEN BY THE LAWYER.

Consumer Class Actions

- Represented a national mortgage lender in multiple consumer class actions, including opposing class certification brought on behalf of consumers under the D.C. Consumer Protection Procedures Act.
- Represented a regional bank in multiple class actions, including the denial of class certification for claims brought by consumers in the District of Columbia under the Electronic Funds Transfer Act.
- Represented a national retailer in multiple class actions, including the denial of class certification of a nationwide class of consumers who alleged misrepresentations regarding the retailer's warranty plans.
- Represented a product manufacturer in a consumer class action; the court dismissed the plaintiff's Rule 23(b)(2) class claims via a motion to strike at the outset of the case.
- Represented a credit union in a consumer class action brought under the D.C. Consumer Protection Procedures Act (DCCPPA). The class-wide settlement eliminated all of the credit union's potential liability for the alleged DCCPPA violation at issue. As part of the representation, we revised the form of notices sent to its customers in order to ensure that they were DCCPPA compliant and the form of the credit union's consumer contracts to add an arbitration provision containing a class action waiver.
- Represented a bank in the U.S. District Court of Maryland in a case regarding mortgage loan modification plans and subsequent foreclosures. Plaintiffs alleged that the bank violated MCPA, MCDCA and MMFPA and breached a written contract. In response to a Motion to Dismiss, the court dismissed all claims with the exception of the MMFPA claim and a request for declaratory relief. The case then settled on an individual basis.
- Represented a bank in U.S. District Court in Virginia in a case relating to mortgage late payments and credit bureau reporting. Plaintiffs alleged breach of contract, unjust enrichment, and violation of TILA. After a Motion to Dismiss was filed on behalf of the bank, Plaintiffs voluntarily dismissed some of the claims, including the TILA claim. The case settled on an individual basis.
- Represented a debt collector in U.S. District Court in a case related to FDCPA. The suit presented a novel question of law under FDCPA, and the Court dismissed the case prior to the client having to file an answer to the complaint. That dismissal was upheld on appeal. As a result, the clients avoided the costs of class certification and discovery.
- Serve as national consumer fraud class action counsel to a major electronics retailer. Presently

defending the client in two unrelated consumer class actions pending in federal court in Massachusetts and Florida, where plaintiffs are seeking to certify national classes based on contract and quasi-contract claims alleging violations of the terms and conditions of their purchase agreements.

- Represented a national law firm in a Fair Debt Collection Practice Act class claim pending in federal court.
- Represented a financial services client in defense of a Fair Credit Reporting Act class action involving consumer protection issues.
- Represented a financial institution in a class action filed in South Carolina for violation of the Telephone Communications Protection Act by placing unsolicited telephone marketing calls to a nationwide group of alleged victims.
- Represented a provider of myriad training devices in a Telephone Communications Protection Act class action pending in Philadelphia.
- Represented a major clothing retailer in a series of consumer class action proceedings in California state court regarding the terms and conditions under which gift cards were sold, including a coordinated proceeding that included over 40 different retailer defendants.
- Represented another major clothing retailer in a consumer class action in California alleging that the retailer's sales practices violated consumers' privacy rights.
- Represented insurance companies in class actions involving reserve calculations benefit payments and provider payments.
- Represented companies in class action involving claims by consumers and local governments for alleged violations of state sales and use taxes.

Employment Law and Discrimination Class Actions

- Represented a publicly-held national retailer in FLSA representative actions in California and Oregon, and work with the retailer regarding threatened FLSA representative actions in several other jurisdictions.
- Represented a retailer in an ongoing FLSA collective action matter in Mississippi.
- Represented another retailer in FLSA representative actions in Alabama and California.
- Represented a food service company in a class action proceeding in the District of Columbia alleging that services to patrons were provided in a discriminatory fashion.
- Represented a local governmental entity in an FLSA class action alleging that the client had not paid paratransit drivers overtime and, in some instances, minimum wage.
- Represented governmental entity in a representative action under the ADEA charging client with age discrimination in a reduction in force.

Telecommunications/Energy/Regulatory Class Actions

- Represented class of landowners in Virginia and North Carolina against an electric utility in a multi-million dollar class action to recoup payment for the telecommunications use of their land by the utility.

- Represented corporate client in a major antitrust class action brought on behalf of tobacco growers in seven states.
- Represented a Virginia locality in state court litigation brought under the Virginia Multiple Claimants Litigation Act, the state equivalent of the federal class action, by more than 200 women claiming to have suffered adverse reproductive outcomes as a result of contaminated drinking water.
- Represented a major oil company in a class action proceeding in Philadelphia brought by a class of terminated franchised dealers.
- Represented an insurance industry client in an antitrust class action proceeding challenging various insurance industry practices.
- Represented a drug company in a civil conspiracy class action for alleged price fixing.

Related News

- Banks Face Billions in Liability Exposure
- 2011: A Sea Change for Class Actions?
- Avoiding Contempt: Responding to Non-Party Subpoenas
- Arbitration Provisions Containing Class Action Waivers: Avoiding Financial Risk and Cost
- Class Dismissed: Supreme Court Rejects Title VII Class Certification in Wal-Mart v. Dukes and Provides Guidance on Important Class Action Issues
- Talk America, Inc. v. Michigan Bell Telephone Co.
- Supreme Court Clarifies Limits on Federal Courts' Ability to Enjoin State Court Class Actions
- Recent Development In Arbitration Case Law From The United States Supreme Court
- Class Action Exposure Post-Shady Grove v. Allstate
- Companies Face Increased Exposure to Class Actions in the Wake of Shady Grove v. Allstate
- Seventh Circuit Holds that a District Court Must Conduct a Daubert Analysis Prior to Class Certification
- Class Actions: Be Sure Any Settlement Is Really The End
- James M. Burns Quoted in Pharmaceutical Law & Industry Report
- Williams Mullen has 47 first-tier metropolitan rankings in Best Lawyers and U.S. News Media Group's Best Law Firms inaugural publication
- Turner A. Broughton Installed as Chair of Virginia Bar Association Young Lawyers Division
- Six Williams Mullen Lawyers Included in Inaugural Issue of "Super Lawyers, Corporate Counsel Edition"
- Williams Mullen Adds Labor and Employment Attorney Michael Steele in Hampton Roads
- Review Your Beneficiary Designations
- Turner Broughton answers questions about NFL settlement for CBS Sports
- Defeating Class Certification: Halliburton II Ruling Impacts Securities Class Action Issues
- Recent Class Action Activity in Virginia

- 2014 Survey Of Class Action Cases In Virginia: The Statistics
- Class Action Trends in Virginia: Employment Background Reports
- TBJ article covers the latest developments in NCTracks suit
- Using Consumer Reports for Hiring Decisions Creates Unanticipated Litigation Risk for Employers
- Williams Mullen's Litigation Practice Honored by Benchmark Litigation
- Less Than Half of 2014 Virginia Consumer Protection Cases Receive Class Treatment: A Review of Virginia Consumer Class Action Results in 2015
- Target's Successful Defense To A FCRA Class Action Is Good News For Employers
- Class Action Waivers in Employment Arbitration Agreements? Not as 'Fresh & Easy' as You Think
- Fourth Circuit Applies Spokeo to Vacate \$11.7 Million Class Action Judgment
- Williams Mullen's Litigation Practice Recognized in 2018 Edition of Benchmark Litigation
- Keith Kapp Profiled in Business North Carolina's 2019 Legal Elite Issue
- 6 Williams Mullen Attorneys Ranked on 2019 Top Lists by Virginia Super Lawyers
- 30 Williams Mullen Attorneys, 12 Practice Areas Recognized in Chambers USA 2019
- Brendan O'Toole Named to Benchmark Litigation's 2019 40 & Under Hot List
- 119 Williams Mullen Attorneys Listed in 2020 Edition of The Best Lawyers in America®
- No, You Can't Use Discovery to Find a New Class Representative
- Brendan O'Toole and Caitlin Poe Named to Benchmark Litigation's 2020 40 & Under Hot List
- Williams Mullen Nationally Ranked in 16 Practice Areas by U.S. News - Best Lawyers 'Best Law Firms' 2022

Related Events

- Class Actions 101: The Rules, Certification, Settlement and the Court
- Overdraft Charges-Avoiding Class Warfare
- WMACCA Richmond CLE - LIVE & WEBCAST 2011: A Sea Change for Class Actions?

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