



## Less Than Half of 2014 Virginia Consumer Protection Cases Receive Class Treatment: A Review of Virginia Consumer Class Action Results in 2015

02.02.2016

In 2014, twenty (20) cases were filed in Virginia seeking to redress alleged violations of various consumer protection statutes on a class-wide basis. Most of these cases were concluded in 2015 without the certification of a class. Among those cases that were certified, the parties settled on the definition of the classes as well as the settlement terms with the exception of one case, which settled after the court granted a motion for class certification.

### The Results-to-Date for Cases Filed in 2014

So far, the consumer class action cases filed in 2014 have resulted in the certification of classes, either preliminarily or finally, in seven (7) or 37% of the 2014 cases, excluding one case that was transferred to a federal court outside of Virginia. Of the remaining 12 cases, the defendant was granted summary judgement in one (1) case, six (6) cases ended in settlements with the named plaintiffs only, one (1) case was dismissed voluntarily by the named plaintiff, one (1) case was dismissed by the court but is on appeal, and the remaining three (3) cases are pending.

### The Settlement Classes

The certified settlement classes are in cases brought under either the *Fair Credit Reporting Act* (FCRA) or the *Fair Debt Collection Practices Act* (FDCPA). Three of the four FCRA cases allege violations of the FCRA related to employment background reports. The attached chart sets forth the terms and status of each settlement.

### Noteworthy Class Certification Decision

Only one of the settled cases, *Manuel v. Wells Fargo*, No. 3:14-cv-238 (E.D. Va.), involved a contested Motion for Class Certification. The Court approved one of the two proposed class definitions and approved the second class after revising the proposed class definition. The fact that the Court defined a

class is somewhat unique as many courts choose to deny a poorly defined class, but allow the Plaintiff to propose a revised class definition for approval. Subsequently, the parties agreed on a settlement affecting a class of 12 million consumers.

***[Click here to view the 2015 Virginia Consumer Class Action Settlements.](#)***

## **Related People**

## **Related Services**

- Litigation
- Class Action Litigation
- Labor, Employment & Immigration