

CLASS ACTION



Bartlit Beck represents defendants in putative and certified class actions in federal and state courts throughout the United States and in conjunction with foreign proceedings. Our experience includes a broad range of claims, including antitrust, consumer fraud, environmental, toxic tort, product liability, and breach of warranty.

We have defeated certification in both individual class actions and multi-jurisdiction litigation, we have successfully removed class actions from state to federal court, we have tried class action cases to successful jury verdict, and we have guided clients in crafting complex settlements in both state and federal courts.

While class actions require specialized knowledge and experience, a hallmark of our approach is to treat the underlying claims as we treat other complex cases, conducting early case assessments and formulating a strategy that focuses on the client's ultimate objectives. Our trial focus and preparation places our clients in a position of strength – ready to try the case if necessary or to leverage our trial readiness to obtain a favorable settlement.

EXPERIENCE

Dismissals and Class Certification Defeated

In re Teflon® Product Liability Litigation

Represented DuPont in an MDL in S.D. Iowa comprised of twenty-three alleged class actions brought on behalf of consumers who claimed to have purchased cookware coated with Teflon® and other non-stick coatings manufactured by DuPont. Defeated class certification in all matters. Petition for appeal rejected by the United States Court of Appeals for the Eighth Circuit. Cases voluntarily dismissed with prejudice.

Baycol® Litigation

Represented Bayer in proposed consumer class actions regarding Baycol®. Defeated federal class certification. Obtained injunction preventing state class-action litigation and argued the United States Supreme Court appeal regarding propriety of that injunction. Defeated class certification in several state courts. After class certification was granted in Pennsylvania (Philadelphia Court of Common Pleas), successfully struck plaintiff's key expert and obtained summary judgment.

In re Genetically Modified Rice Litigation

Defended Bayer CropScience and related companies in multidistrict proposed class actions arising from the introduction of genetically modified rice into commercial rice supply. Defeated class certification.

YAZ®/Yasmin® Litigation

Represented Bayer in putative class action MDL in N.D. Illinois relating to YAZ® and Yasmin® oral contraceptives. Class allegations dismissed on a motion to strike.

WeightSmart® Litigation

Defended Bayer in consumer fraud class actions involving certain Bayer OneADay® products. Defeated nationwide class certification in the district court, and successfully briefed and argued before the United States Court of Appeals for the Third Circuit that certification of a New Jersey consumer class was inappropriate. The *Carrera v. Bayer* appellate decision, establishing plaintiffs' obligation to prove that class membership is ascertainable, is the leading defense-side precedent on ascertainability.

Coumadin® Litigation

Represented DuPont in a series of antitrust and consumer fraud class actions directed at alleged misrepresentations regarding Coumadin® and its generic competition. Defeated multiple class certification attempts, leading to settlement.

Trinity ET Plus Guardrail Litigation

Represented Trinity in individual and class action litigation in federal and state courts challenging the safety of Trinity's ET Plus guardrail system. Defeated class action brought in S.D. Illinois by purchasers of guardrail products. Case dismissed after deposition of plaintiffs' expert.

Firefighter Hearing Loss Litigation

Represented Federal Signal in Illinois state class action litigation involving firefighters alleging hearing loss from exposure to emergency-vehicle sirens. On appeal, defeated certification of a proposed design-defect "issue class."

Swidler v. Georgia-Pacific

Represented Georgia-Pacific in putative class action in Florida State Court alleging that building products manufactured by Georgia-Pacific caused damage in consumers' homes. Case dismissed.

Dollie Williams v. Macon County Greyhound Park

Represented Macon County in Rule 23(f) appeal in the United States Court of Appeals for the Eleventh Circuit. Obtained reversal of class certification.

In re Factor VIII or IX Concentrate Blood Products Litigation

Represented Bayer in MDL in N.D. Illinois alleging personal injuries from use of allegedly contaminated blood-based derivatives. Defeated class certification.

Neuser v. Carrier

Represented Carrier in multiple consumer class action lawsuits relating to secondary heat exchangers in furnaces manufactured by Carrier. Won summary judgment and denial of class certification in Wisconsin. Other

lawsuits then settled.

Other Representative Matters

In re Whirlpool Corp. Front-Loading Washer Products Liability Litigation

Represented Whirlpool in N.D. Ohio bellwether consumer class action trial of plaintiffs' claims of design defect and breach of implied warranty. After four-week jury trial, jury deliberated fewer than two hours before returning complete defense verdict.

Wagner v. NL Industries

Represented NL Industries in ten-week class action jury trial in Philadelphia Court of Common Pleas of claims of 7,500 residents seeking several hundred million dollars in personal injury and property damages due to lead emissions from factory over 35 years. Jury verdict for NL on all issues.

Metropolitan Mortgage & Securities Litigation

Represented Ernst & Young in federal securities class action suit and related arbitrations surrounding the collapse and bankruptcy of Metropolitan Mortgage & Securities Co., a \$2 billion investment, real estate, and insurance conglomerate. Plaintiffs alleged accountants' negligence relating to audit work. Won back-to-back complete defense verdicts in separate trials involving claims for hundreds of millions in investment losses brought by Metropolitan's insurance subsidiary and the bankrupt estate. Class action case settled favorably shortly before trial.

Vioxx® Consumer Class-Action Litigation

Represented Merck in Missouri state court class action brought on behalf of consumers alleging economic losses from purchases of Vioxx®, as well as a New Jersey state court class action by payors of prescription benefits. Obtained reversal of class certification in New Jersey Supreme Court. Litigation favorably resolved.

Cole v. Asurion and T-Mobile

Represented Asurion and T-Mobile in class action brought in C.D. California by T-Mobile subscriber who purchased cell phone insurance and claimed, on behalf of 1.4 million consumers, that Asurion and T-Mobile did not sufficiently disclose the terms of the insurance. Won stay of case pending individual class member arbitrations. Case settled after oral argument of plaintiff's appeal of stay to Ninth Circuit.

Imprelis® Litigation

Represented DuPont in product liability litigation in D. Delaware and E.D. Pennsylvania, including putative class actions comprised of more than 37,000 plaintiffs, alleging widespread property damage caused by DuPont's Imprelis® herbicide. Defeated preliminary injunction sought by plaintiffs in D. Delaware. Litigation favorably resolved.

LaPlant v. Northwestern Mutual

Represented Northwestern Mutual in purported class actions in W.D. Wisconsin alleging breach of contract and breach of fiduciary duty arising out of the determination of dividends for certain annuities. Litigation favorably resolved.

In re Domestic Drywall Antitrust Litigation

Represent USG in E.D. Pennsylvania Sherman Act MDL. Plaintiffs allege defendants conspired to fix, raise, maintain, and stabilize prices for gypsum drywall. Class claims favorably resolved and litigation continues with opt out plaintiffs.

Aspirin Combination Products Litigation

Represent Bayer in MDL in E.D. New York comprised of eleven alleged class actions relating to Bayer aspirin combination products. Litigation favorably resolved.