



Class Action Litigation

Foster Pepper has extensive experience defending class actions and a distinguished record in litigating class actions to successful and expeditious resolutions. We know how to manage complex class actions, and we understand how to handle disputes in an efficient manner in order to keep litigation costs down.

We vigorously defend class action litigation at every stage of the proceedings. At the same time, we continually evaluate opportunities to resolve disputes early through motion practice and effective alternative dispute resolution. Our team has been successful in both defeating class certification motions and in using dismissal motions to terminate class actions prior to certification. In several cases, we have succeeded in convincing judges to dismiss lawsuits with finality at the pleading stage, without plaintiffs conducting any discovery — no depositions, no document productions and no interrogatories.

We bring considerable, focused resources to bear on our class action representations, including our extensive knowledge of the local courts and our ability to handle high-profile, media-sensitive matters. Recognizing the burdens that litigation can impose, we ensure that our litigation strategy is consistent with the overall business strategy and objectives of our clients. Our work includes the representation of a variety of clients, including retailers, manufacturers, distributors, telecommunications companies, biotechnology companies, software developers and manufacturers, franchises, banks, lenders, loan servicers, mortgage companies, real estate companies, health care providers and governmental entities.

REPRESENTATIVE EXPERIENCE

- Ongoing representation of Port of Seattle in *Bearse v. Port of Seattle* in class action seeking damages and injunctive relief based on alleged inverse condemnation, nuisance and trespass caused by airport noise.
- Representation of a financial institution in a nationwide putative class action alleging breach of contract, unjust enrichment and Consumer Protection Act claims based on the lender charging fees purportedly not authorized by loan documents; the trial court dismissed all class claims without the possibility of amending the complaint.
- Obtained dismissal with prejudice of eight consolidated federal securities class actions against a biotechnology company and its key executives involving allegations that the company made misleading statements about its quarterly results and revenue projections.
- Obtained summary judgment in the representation of an NFL team and an affiliate on claims that pre-game “pat downs” of fans were unconstitutional searches.
- Representation of a wholesale retailer in a putative nationwide class action alleging that the retailer had failed to disclose key facts about certain “mail-in rebates” on products sold in the client’s stores nationwide; achieved favorable settlement without discovery.