Steptoe offers clients one of the premier class action defense practices in the United States. In “bet-the-company” cases in which millions and sometimes billions of dollars are at stake, we have achieved successful results at every phase of the class action litigation process, in trial and appellate courts in jurisdictions across the country. These successes include obtaining dismissals of class action complaints, defeating class certification, Rule 23(f) appeals of class certification decisions, excluding plaintiffs’ expert witnesses, winning summary judgment motions, prevailing at trial or on appeal, and obtaining settlements that effectuate the maximum possible scope and binding effect of the settlement so that they are highly favorable to clients.

Our breadth of experience means that beyond individual class action attacks, we are also often called upon to serve as national coordinating counsel by large companies when they face serial class action litigation, whether filed across the country or consolidated as multidistrict litigation (MDL).

We also have unique insight into the rapidly changing legal standards for class certification and have been at the forefront of legal developments that have convinced courts to exclude unreliable scientific evidence at the class certification stage – decisions that we are able to leverage to secure denials of class certification.

Outside the courtroom, practical business judgment and creativity complement our trial-ready approach. Our team collaborates with clients to develop innovative solutions that promote early case resolution and protect important company brands in keeping with their business goals.

Our class action defense practice frequently implements coordinated strategies for defending class action litigation against the backdrop of ongoing regulatory action, government investigations, or criminal prosecutions. With a well-known and robust regulatory practice that regularly appears before the Consumer Product Safety Commission, Federal Trade Commission, National Highway Traffic Safety Administration, Food and Drug Administration, the Environmental Protection Agency, and other agencies and a Government Investigations & Enforcement Group that is trusted in connection with investigations of every sort, we are able to better advance global resolution of class action-related disputes, protect important company reputational and business objectives, more effectively manage issues that often lead to class action litigation and limit potential litigation exposure.

Antitrust Class Action Defense
Often triggered by government antitrust enforcement actions, strong defense against antitrust class actions requires a combination of regulatory, litigation, industry, and antitrust experience to fully develop a successful outcome. Steptoe’s antitrust team brings deep antitrust experience and first-rate, first-chair litigators and trial lawyers together to meet challenges head-on. Our experience, recognized by Global Competition Review, extends to the venues in which cases will be heard, and we have litigated in federal and state courts across the US, courts of the European Union, and national courts in EU member states, as well as in arbitral tribunals.

Our lawyers have developed capabilities in two related areas: representing defendants in parens patriae actions brought by state attorneys general and removing state cases to federal courts. Increasingly, the class action bar has brought cases in state rather than federal court, under state antitrust, unfair trade practice, and consumer protection theories. We have developed substantial experience in arranging removal, opposing certification of nationwide classes, defending against punitive damage claims, and creating new state law on exemptions and immunities. This experience also helps us handle cases subject to the Class Action Fairness Act (CAFA), which has forced some but not all class actions into federal court.

Steptoe has long represented clients as defendants in private treble-damage class actions brought under the federal and state antitrust laws. We also have extensive experience on class certification issues, consolidation of multidistrict cases, and other procedures governing complex litigation in the United States.

We also keep the business interests of our clients at the forefront, and often prevail before trial, whether by moving to dismiss prior to the start of discovery, by defeating class certification, or by obtaining summary judgment. However, when going to trial is the best course for our clients, our seasoned trial lawyers are ready.

Consumer Class Action Defense

Steptoe offers clients one of the leading consumer class action defense practices in the United States. We have the experience to defend companies and their products and services against claims challenging safety, alleging property damage, and claiming false advertising and misrepresentation. The Legal 500 US calls us a “cost effective group” that is “valued for its ‘exceptional skill and service.’

When necessary, our trial lawyers are ready, willing, and able to take a case to verdict before judges and juries. We have been recognized by Chambers USA and Law360, which has named several of our first-chair litigators as “Trial Aces.” We effectively address the risks raised by class action litigation, including potential regulatory and criminal liability, and the reputational risks that are frequently more important than the monetary exposure.

We have achieved successful results for clients at every phase of the class action litigation process in both trial and appellate courts, in jurisdictions across the country. These successes include obtaining dismissals of class action complaints, defeating class certification, Rule 23(f) appeals of class certification decisions, excluding plaintiffs’ expert witnesses, winning summary judgment motions, prevailing at trial or on appeal, and obtaining settlements that effectuate the maximum possible scope and binding effect of the settlement so that they are highly favorable to clients.

Our trial-ready approach is complemented by our practical business judgment and creativity. We have developed refunds, recalls and other innovative solutions that in some cases have mooted class claims entirely, and in others, have significantly reduced the scope of those claims.

Insurance Class Action Defense

Steptoe’s insurance litigation practice has extensive experience defending class actions in jurisdictions across the country, including complex national and statewide classes, and individual “opt-out” cases.

We combine deep class action procedural knowledge with a thorough understanding of the insurance industry, including coverage types, claims adjustment procedures, and related financial laws and regulations. We have successfully defeated class claims prior to discovery and substantially limited class discovery prior to dispositive motions. Where settlement is a favorable alternative to litigation, we creatively resolve cases as inexpensively and efficiently as possible.

Our lawyers have successfully battled class allegations in Circuit Courts of Appeal, federal district courts, and state trial, appellate, and supreme courts. Of particular note, we recently defended Allstate Insurance Company in eight certified or putative class actions in Arizona, Arkansas, Illinois, Kentucky, Montana, New Mexico, Texas, and the District of Columbia.

Privacy & Data Breach Protection Class Action Defense
Our privacy and data breach team counsels companies on the efficacy of their preparedness and response plans for a data breach. In the event of a breach, our team's extensive government and law enforcement experience allows us to successfully investigate breaches, coordinate a company's engagement with law enforcement and federal and state regulators, and mitigate liability in an effort to avoid class actions tied to the exposure of customer information.

Our work with clients spans from the initial discovery of the breach through remediation and response, and often is kept out of the public eye due to our ability to navigate the regulatory bodies involved in such incidents. Our team has successfully handled incidents for clients in a variety of industries including financial services, management consulting, and healthcare.

Wherever possible, we provide alternative mechanisms for claims resolution outside the class action process. In the event a class action is filed, our team is able to leverage hands-on experience obtained through numerous breach responses and proven defense tactics to provide full-scope, trusted counsel throughout class action defense proceedings.

Transportation Class Action Defense

Transportation companies facing class action litigation need a defense team that can handle the complexities of large-scale litigation, as well as the unique business, regulatory, and legal issues impacting the transportation sector. Our transportation lawyers, many of whom are recognized by Chambers and The Legal 500, are able to address the unique transportation issues involved in class action litigation.

We have extensive experience providing class action representation to a wide range of transportation clients, including those representing the following industries:

- Aviation
- Automotive manufacturers
- Motor Carriers
- Railway companies
- Shippers

Representative Matters

Antitrust Class Action Defense

- Representing a major dairy cooperative alleged to be a co-conspirator in treble-damages class actions alleging price fixing and monopolization in the dairy industry of the southeastern US.
- Representing a major railroad in treble-damages class actions alleging price fixing of fuel surcharges.
- Defense of a leading Asian airline in US treble-damages class actions associated with ongoing multinational criminal cartel investigations.
- Defending a major marketer of electric power in treble-damages class actions alleging rigging of power auctions.
- Defending a major automobile insurer in multiple class actions directed at the use of non-original equipment repair parts and other claims handling practices.
- Defending a major purchaser of ammonium nitrate in suits brought by coal companies for price-fixing.
- Defending a major workers’ compensation insurer in state court antitrust class actions alleging price-fixing and related offenses.

Consumer Class Action Defense

- Defending electronic learning toy company in a Federal Trade Commission investigation and a series of consumer class actions – among the first of their kind – asserting diminished value claims based on a data breach involving online products and applications.
- Defending a high-profile individual in class actions and related government investigations arising from alleged use of inside information in the online fantasy sports industry.
- Defending marketing company against putative class claims under the Telephone Communications Privacy Act (TCPA).
- Defending group of distributors against diminished value and property damage claims arising from allegedly defective windows.
- Defeated class certification motions in multidistrict consumer class actions relating to BPA in plastic bottles and children’s sippy cups.
Defeated or obtained voluntary dismissals of approximately a half dozen state or nationwide class actions claiming property damage as a result of allegedly defective wood decking without paying a single dollar in settlement.

Obtained dismissal of putative class action challenging a manufacturer’s representations about the efficacy of its cosmetic product.

Served as national coordinating counsel for major wireless carrier in several class actions alleging diminished value and other economic injuries as a result of alleged product defects involving complex preemption and jurisdictional issues.

Successfully defended grocery and drug store companies in more than ten consumer class actions alleging misleading advertising and product labeling.

Won motion to dismiss in a class action lawsuit filed in federal court against a major consumer software manufacturer, alleging breach of contract and consumer fraud.

National defense counsel to food manufacturer, setting overall defense strategy, handling scores of claims, as well as defending several lawsuits and arbitrations arising from nationwide recall of food product.

Represented third party that successfully avoided implication in large scale product liability class action arising out of alleged automotive defect.

Represented an international computer manufacturer in a product liability putative class action involving a computer design defect.

**Insurance Class Action Defense**

Defended insurance client and group of affiliated insurance companies in putative nationwide class action asserting bad faith and other causes of action arising out of client’s use of Colossus, a claim software system.

Represented global insurer in advertising liability coverage consumer class action cases.

Secured summary judgment for client in a coverage action seeking defense and indemnity for liability associated with two class action antitrust suits under the “personal and advertising injury” of CGL policies. In an issue of first impression, the court ruled that there was no “offense” within the meaning of the policy, the criminal acts exclusion barred coverage, and the requisite “advertisement injury” did not exist.

Prevailed in a motion to decertify a class against an insured for a major insurance carrier in a case brought by individuals who owned or occupied property within a 1.25-mile radius of an industrial hog farm, who allegedly suffered damages from odors associated with the farm’s operation in western Kentucky. Previously, the district court had certified the class, and that certification order had survived an appeal to the 6th Circuit. However, Steptoe successfully argued for summary judgment and developed evidence to convince the court to decertify the class. The case settled.

Represented personal lines carrier in a putative statewide (Illinois) class action filed in Madison County, Illinois, by an insured that attacked the company’s claim-settlement practices for “minor impact soft tissue” injuries. Steptoe obtained a dismissal order, persuading the Madison County trial court to dismiss the case because the putative class representative lacked any legally recognized injury and could not show that the insurer breached its contract with the plaintiff.

Defended client and related entities in putative nationwide class action regarding the “v550” policy endorsement for automobile liability policies.

**Transportation Class Action Defense**

Successfully represented Southwest Airlines in defense of a putative class action filed by individuals in Los Angeles alleging that Southwest’s “Early Bird Check-in” (ECBI) program was deceptive or otherwise unlawful. We precluded the plaintiff’s efforts to seek class certification and then filed summary judgment on the two remaining claims before any discovery took place, pointing out that there is no contractual obligation that was breached. During the hearing, plaintiffs’ counsel tried to argue that Southwest failed to disclose various limitations on EBCI, but the judge rejected all these arguments.

Successfully filed a Rule 23(f) petition for our client BNSF Railway Company and three other large railroad defendants in an antitrust price-fixing case. The DC Circuit vacated a class certification ruling by the trial court judge and remanded the case to permit the court to reconsider its decision in light of the US Supreme Court’s ruling in *Comcast v. Behrend*.

Defend Union Pacific Railroad Company against class action claims of landowners that the railroad caused and/or exacerbated a flood in Cedar Rapids, IA by loading rail cars on its bridge.

Represent ABC Aerolineas (“Interjet”) in connection with collection of Mexican tourism tax from allegedly exempt passengers. We have successfully dismissed claims by airline passenger alleging that carrier and other airlines had violated the Racketeer Influenced and Corrupt Organizations Act (RICO) in connection with airlines’ charging and collection of the Mexican Tourism Tax from exempt passengers.
• Represent a major global distribution system (GDS) in antitrust class action litigation in the US District Court for the Southern District of New York, where plaintiffs seek to certify a class consisting of airline passengers claiming that the GDS defendants conspired to raise airline ticket prices.

Privacy & Data Breach Class Action Defense

• Defending education technology company in a series of putative class actions arising from a data security incident.

• Defending multiple companies against putative class actions alleging violations of Illinois’ Biometric Information Privacy Act (BIPA).

• Successful representation of Motorola, Inc., against claims arising from theft of laptop containing protected information.

• Successful representation of several retailers in litigation with financial institutions over credit card charges paid for customers following unauthorized penetration of the retailers/banks payment flows.

• Internal investigation and defense of Ralph Lauren Corporation against various claims following data breach of its servers.

• Successful defense with investigating agencies and in civil litigation of several advertising agencies and their internet retailer clients over spoofing websites set up to capture credit card information, including takedown notices, preliminary and permanent injunction litigation to put spoofers out of business.

• Successful defense of Toys "R" Us in FACTA class action litigation (largest consumer class action in the country when brought).

News & Publications

MEDIA MENTIONS

Law Quadrangle Profiles Meegan Brooks on Advocating for the Retail Industry
February 6, 2020

PRESS RELEASES

Southern California Super Lawyers Recognizes Steptoe Partners
January 17, 2020

MEDIA MENTIONS

STAT Quotes Anthony Anscombe on CBD Class-Action Lawsuits
January 8, 2020

PUBLICATIONS

Food, Beverage, and Supplements Litigation: Staying Out of the Crosshairs
Food Safety Magazine
November 7, 2019
By: Darlene K. Alt, Mary Beth Buckley

PRESS RELEASES

Daily Journal Names Robyn Crowther to 'Top 100 Lawyers' List
September 18, 2019

PRESS RELEASES

Trial Litigator Nate Kritzer Joins Steptoe in New York
August 14, 2019

PRESS RELEASES

Northern California Super Lawyers Recognizes Steptoe Attorneys
June 26, 2019

PRESS RELEASES

Daily Journal Again Names Robyn Crowther to 'Top Women Lawyers' List
May 13, 2019
Companies Are Ready and Willing to Comply with CCPA – But First, They Need to Know How

*CPO Magazine*
April 12, 2019
By: Meegan Brooks

Media Cover Steptoe’s Win for L.L. Bean in Proposed Class Action Lawsuit

March 18, 2019

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