Class Action Litigation

By their very nature, class actions are complex and present companies with potential substantial exposure. The defense of these cases involves a sophisticated approach by experienced counsel. Katten's Class Action Litigation group has extensive experience defending our clients in large, high-stakes class actions and mass actions in federal and state courts across the country for a wide range of industries, including consumer financial services, food and beverage, and advertising. Our attorneys formulate and execute innovative defense strategies that meet our clients' legal needs and limit the negative impact of litigation on their business operations.

A record of success

The group has a strong track record of successfully resolving cases, either by prevailing on motions to dismiss or, in class actions, by defeating class certification. Depending on our clients' business objectives, we are also adept at leveraging favorable settlements. Underlying this track record is a deep understanding of our clients' businesses, coupled with a comprehensive knowledge of the regulatory framework and consumer protection laws that affect and often drive these cases.

Preventive measures

We counsel our clients on ways to avoid becoming targets, and to that end, we closely monitor new case filings and the evolving tactics of the plaintiffs' bar. We are experienced in the use of arbitration agreements and class action waiver clauses, and we regularly advise our clients on using them to prevent future actions.

We have successfully represented clients in matters involving:

- Unfair and deceptive trade practices under state and federal consumer protection statutes
- The Fair Debt Collection Practices Act and Reg. F
- The Equal Credit Opportunity Act and Reg. B
- The Truth in Lending Act and Reg. Z
- The Consumer Leasing Act and Reg. M
- The Fair Credit Reporting Act and Reg. V
- The Electronic Fund Transfer Act and Reg. E
- The Telephone Consumer Protection Act

Key Contacts



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- False Advertising
- Privacy related litigation
- Greenwashing and other environmental, social and governance (ESG) claims
- Rule 23F Appeals from class certification orders
- Product Liability/Mass Tort

Our Experience

- Defended major prepaid cellular telephone provider, successfully decertifying RICO class action alleging false advertising of availability of 4G service in 2013-2015 timeframe.
- Successfully defended provider of eco-certification services in connection with alleged class action asserting that certification was a "sham" and constituted greenwashing of underlying labeled product.
- Defended supplier of seafood sold as "sustainable" against allegations that the claim was false because the seafood had not been harvested and grown according to principles the plaintiffs considered sustainable. Matter settled.
- Defending provider of eco-certification services in connection with allegations that the imported, certified products were made with the use of child labor, in contravention of the certification standards.
- Defended major alcoholic beverage maker in connection with national class action asserting that its labeling was false and misleading and violated federal law. Matter settled on national class basis.
- Defended major theme park company in connection with allegations that it violated consumer protection statutes by closing operations and excluding previously ticketed patrons during COVID. Matter settled for nominal amount.*
- Successfully represented a payment solutions provider before a state attorney general avoiding that state's attempt to apply its laws to our client as a processor of payments. We also represent the client in response to confidential subpoenas.
- Represent more than 30 credit unions and several banks in a series of class action lawsuits filed in various courts around the country, including federal and state courts in Alaska, California, Arizona, New York, Florida, Washington, DC, Maryland, Georgia, Pennsylvania, Illinois and Louisiana. Plaintiffs allege our clients improperly charge overdraft fees in violation of Regulation E of the Electronic Fund Transfer Act. We obtained involuntary dismissals of some cases, resolved others and are actively litigating the remainder.

- Represent client before the FTC in an effort to prevent filing of an action against it for alleged violations of federal consumer protections laws and the Federal Trade Commission Act.
- Represented title lending company in putative class action in Circuit Court for City of St. Louis, Missouri. Plaintiff alleged that although company was licensed by State of Missouri to make small, short-term "payday loans," its practices were unconscionable and violate the Missouri Merchandising Practices Act. We were hired mid-case to try question of whether class action waiver contained in client's arbitration clause was enforceable. Trial court found that class waiver itself was inherently unconscionable. On direct appeal, Supreme Court of Missouri reversed trial court, and remanded with specific instructions to examine unconscionability again (on grounds that had already been addressed by the trial court).
- Represent individuals in case of first impression. Florida Supreme Court sided with our clients, reversing court below and rejecting plaintiffs' argument that arbitration agreement including class waiver is unenforceable under Florida law.

*Experience prior to Katten

Recognitions

Recognized or listed in the following:

- *BTI Litigation Outlook*
  - Class Actions Honor Roll, 2018
  - Securities and Finance Litigation Honor Roll, 2018
- *Best Law Firms*
  - Mass Tort Litigation/Class Actions – Defendants
    - National, 2016–2019
    - Los Angeles, 2014–2019
- *Chambers USA*
  - Financial Services Regulation: Consumer Finance (Litigation)
    - Nationwide, 2024–2026
  - Litigation: General Commercial
    - Illinois, 2006–2026
- *The Legal 500 United States*
  - Financial Services Litigation, 2016–2026