

Katten Defeats Novel Class Action Lawsuit Arising Out of COVID-19 Pandemic

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In a complete win, Katten successfully defended WW International, Inc. (Weight Watchers) in a multi-million dollar class action lawsuit brought on behalf of all Weight Watchers members as a result of Weight Watchers moving its Workshops online due to the COVID-19 pandemic. The purported class sought repayment of membership fees to all members during the time that Weight Watchers switched its in-person Workshops to online, virtual Workshops due to state and local bans on in-person gatherings during the COVID-19 pandemic. In the first such decision in the retail consumer space, the US District Court for the Southern District of New York found that no cause of action — under any theory — could be sustained for the Weight Watchers' decision to move temporarily to virtual Workshops. The Court dismissed the amended complaint *in toto* with prejudice and with no right to amend. During the pendency of Weight Watchers' Motion to Dismiss, Katten convinced the Court to stay all discovery, saving Weight Watchers from spending fees on document production and depositions. This case is significant because it is one of the first lawsuits in the nation to consider the legal ramifications of changing business practices due to government restrictions imposed on business to limit the spread of COVID-19 and sets an important precedent to how similar cases will be handled. The Katten team was led by Washington, DC-based Intellectual Property Partner, Terence Ross, and included Tami Kameda Sims and Kristin Lockhart.

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