

Class Action & Multidistrict Litigation

Class actions and multidistrict litigation can cause widespread damage to a business's brand and market presence in today's globalized market.

Our team defends businesses of all sizes against complex class actions, multidistrict litigations, and other multiclient proceedings across the country involving substantial corporate exposure. We bring disputes to an end at the earliest possible opportunity to prevent and minimize damage, fighting certification when needed. We have represented major financial and telecommunications companies in class actions alleging violations of securities laws, claims related to life and health insurance and annuities, and claims alleging violations of state and consumer protection statutes.

Representative Matters

Sporting equipment manufacturer—Class action

Represented a manufacturer in a class action alleging violation of New Jersey consumer protection statutes.

Food producer—Class action litigation

Defended UK's largest food producer in putative state class action alleging failure to warn consumers of potential allergic reactions and other health risks. Successfully moved to dismiss the lawsuit before the class was certified.

Global motor coach manufacturer and distributor—Withdrawal of class action

Successfully defended a global manufacturer and distributor of commercial motor coaches and related entities against a putative class action pending in the US District Court for the Northern District of California. Plaintiff's claims arose from alleged manufacturing and design defects of commercial motor coaches manufactured by our client that purportedly rendered them unreliable for service. Plaintiff filed the action on behalf of a putative nationwide class seeking damages to recover the cost of the motor coaches and other damages, with potential exposure in the tens of millions of dollars. We filed a motion to dismiss the class action complaint, resulting in Plaintiff's decision to voluntarily dismiss the action in its entirety.

Spring Air mattress manufacturers and licensees—Antitrust MDL

Served as plaintiffs' counsel for more than a dozen Spring Air mattress manufacturers and licensees in the favorable settlement of a federal MDL against several domestic and international manufacturers of polyurethane foam. We sought damages and injunctive relief from defendants pursuant to §1 of the Sherman Antitrust Act alleging that, for more than a decade, defendants engaged in a conspiracy to fix the price of polyurethane foam used in our mattress products.

Defendants—Class Action Antitrust Litigation

Representing the defendants in class action antitrust litigation and follow-on state attorney general litigation.

U.S. chemicals company—Dismissal of NJ federal class action

Secured the voluntary dismissal of a NJ federal court class action targeting a U.S. chemicals company and its former parent over allegations of environmental contamination. After the McCarter team filed a motion to dismiss and motion to strike the class allegations, the plaintiff voluntarily dismissed the litigation.

Supermarket cooperative—Class action

Counsel for regional supermarket cooperative in defense of class action lawsuit alleging fraud in connection with the collection of state sales tax revenue.

Multinational pharmaceutical company—Defense steering committee in acid reflux multi-district litigation

Secured an order granting our motion to exclude plaintiffs' expert testimony, and then successfully moved for summary judgment, resulting in the dismissal of all remaining plaintiffs in an MDL involving claims that a pharmaceutical innovator's acid reflux treatment drug caused bone fractures.

Alerts

Spade/Wegner: Supreme Court Delivers Crushing Blow to TCCWNA Plaintiffs by Enforcing "Aggrieved Consumer" Requirement as Written, Products Liability, Mass Torts and Consumer Class Actions Alert, 4.17.2018

Dugan/Bozzi: The New Jersey Supreme Court Provides Shelter From the TCCWNA Storm, Products Liability, Mass Torts & Consumer Class Actions Alert, 10.11.2017

TCPA: The Next Wave of Class-Action Lawsuits Asserts Consumer's Right to Withdraw Consent to Receive Text Messages, Consumer Class Action Alert, 2.14.2017

Articles

NJ Supreme Court Continues to Allocate Fault to Non-Monetarily Liable Co-Defendants, New Jersey Law Journal, 5.14.2019

Entering the US Market: Legal Hurdles That Manufacturers Must Overcome, Defense Counsel Journal, 10.30.2018

TCCWNA Violates the Dormant Commerce Clause, New Jersey Law Journal, 2.27.2017

Is TCCWNA Unconstitutional? Our Three-Part Series Scrutinizes this Unique New Jersey Statute, New Jersey Law Journal, 10.10.2016

Judicial Pay Raises are Long Overdue, New Jersey Law Journal, 2.1.2016

Seeking Review of Magistrate Judge Decisions in Civil Cases, New Jersey Lawyer Magazine, August 1.2015

Speaking Engagements

Current Developments on the Admissibility of Expert Testimony in New Jersey: Daubert, In Re Accutane, Townsend v. Pierre and Beyond, New Jersey Institute for Continuing Legal Education, 3.14.2019

Oral Advocacy with NJ Supreme Court Justice Barry Albin, Judge Michael Chagares, Judge Jack Sabatino, and Judge Mary Jacobson, New Jersey State Bar Annual Meeting and Convention, 5.17.2018

Significant Developments in Class Action, New Jersey Institute for Continuing Legal Education, 12.22.2017

The TCCWNA Tidal Wave: Causes, Consequences & Responses, New Jersey Civil Justice Institute, 10.11.2016

Strategies and Techniques for Depositions of Experts and Motions to Strike, New Jersey Defense Association Seminar, 4.7.2016

Videos

Going to Court for NJ Businesses, New Jersey Business Magazine, 2.2.2018

Quoted

New Jersey Cases to Watch in 2019, Law360, 1.1.2019

Accutane Ruling Raises Bar For Garden State Labeling Claims, Law360, 10.5.2018

NJ Supreme Court Ruling on Accutane Labels, Law360, 10.3.2018

Successful Adoption of Daubert in New Jersey, DRI, The Voice of the Defense Bar, August 22.2018

NJ Accutane Ruling Raises Bar For Expert Witnesses, Law360, August 3.2018

NJ Supreme Court Strengthens Standard for Use of Expert Testimony, NJBIA, August 2.2018

Dueling News Conferences, but Signs of Compromise in Trenton Budget Battle, ROI-NJ, 5.27.2018

J&J Battles To Throw Out \$117M Verdicts In NJ Talc Case, Law360, 5.6.2018

Product Safety & Liability Reporter, 4.30.2018

Report on Consumer Harm Ruling, Law360, 4.27.2018

New Jersey Supreme Court's Review of In re: Accutane Litigation, Law360, 4.23.2018

Court: Consumer Must Suffer Harm in TCCWNA Cases, NJBIZ, 4.19.2018

Key New Jersey Cases to Watch in 2018, Law360, 1.1.2018

Accutane Appeal Prompts Calls for NJ Court to Adopt 'Daubert', New Jersey Law Journal, 9.27.2017

Roche May Test Liberal NJ Expert Standard In Accutane Battle, Law360, August 2.2017

Omitted Drink Prices Flouted Consumer Law, NJ Justices Told, Law360, 4.5.2017

TCPA Litigation Evolving to Include Text Message Opt-out Responses, Legal NewsLine, 2.28.2017

New Jersey Cases to Watch in 2017, Law360, 1.2.2017

Fighting Website Suit, Vita-Mix Points To Similar Dismissal, Law360, 10.19.2016

Justices Hear Arguments in \$25 Million Accutane Verdict Appeal, New Jersey Law Journal, 10.14.2016

Online Shoppers Using 35-year-old NJ Consumer Law Against Websites, NJ Spotlight, 10.13.2016

Good Intentions Do Not Always Lead To Good Outcomes, NJCJI Newsletter, 10.13.2016

Those Terms and Conditions (That Nobody Reads) Could Cost N.J. Retailers, The Star Ledger / NJ.com, August 18.2016

Consumer Court Wins Spur Surge In NJ Contract Class Actions, Law360, 5.13.2016

NJ Class Suits Over E-Commerce Disclaimers Causing Stir, New Jersey Law Journal, 4.20.2016

McCarter & English Examining A Suddenly Popular Statute Tied To Online Terms and Conditions, NJBIZ, 2.26.2016

Commercial Litigation Concerns, New Jersey Business, 11.3.2014