

Consumer Class Actions

Manufacturers and retailers regularly face putative class actions involving not only product liability claims but also alleged violations of various consumer fraud statutes.

We possess both substantial trial experience and industry knowledge to address scientific, technical, engineering design, and complex medical issues in class action and multi-jurisdictional litigation. Our lawyers are well-versed in the substantive federal and state laws that have spurred increased putative class action filings and the applicable rules controlling class action litigation. We regularly practice before the Judicial Panel on Multidistrict Litigation and have broad expertise employing creative initial and long-term procedural and substantive dispositive strategies, including strategies to limit initial discovery. The innovative strategies we employ often result in broad, swift dismissals of otherwise challenging actions.

McCarter has handled a wide variety of class actions, multidistrict litigations and other multi-claimant proceedings involving substantial corporate exposure and requiring creative lawyering and coordination among outside counsel, in-house counsel and the business units. We have decades of experience proactively challenging class action claims, defending against the certification of class actions and, if certified, defending against the claims on their merits.

As national counsel to several top insurance companies, pharmaceutical companies, and consumer product manufacturers and sellers, McCarter has negotiated and managed some of the nation's most significant class action settlements.

Representative Matters

Automotive service retailer—Consumer protection

Secured the dismissal, with prejudice, of a New Jersey federal class action targeting an automotive service retailer for alleged violations of the NJ Consumer Fraud Act, the NJ Auto Repairs Regulations, and the Truth in Consumer Contract Warranty and Notice Act, among other claims. All claims were dismissed with prejudice in an unpublished written opinion.

Energy company—Consumer fraud class action

Represented an energy company in a consumer protection class action in New York federal court.

Multinational home appliance manufacturer—Class action

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

Sporting equipment manufacturer—Class action

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

Tools and equipment retailer—Class action

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

National car rental business – New Jersey federal breach of contract and consumer fraud class action

Defended the holding company for multiple branded car rental services in a New Jersey federal court putative class action asserting claims for breach of contract, unjust enrichment, and violation of New

Jersey's Consumer Fraud Act (CFA) over allegations that, among other things, the client "knowingly" double charged drivers for already-paid tolls.

Pharmaceutical manufacturer—Multi-state class action

Represented a pharmaceutical manufacturer in a multi-state class action alleging violation of certain state consumer protection statutes.

Major consumer electronics manufacturer—Summary judgment

Obtained summary judgment in favor of a major consumer electronics manufacturer in a putative class action alleging defective DVD players based on the class representative's failure to establish an ascertainable loss under the New Jersey Consumer Fraud Act.

International products manufacturer—Class action litigation and FCC/FTC claims

Represented an international products manufacturer in a class action arising out of allegations that the manufacturer violated provisions of the Telephone Consumer Protection Act. The client faced multi-million dollar exposure due to federally mandated penalties. We prevented class certification through efficient, targeted discovery and were able to resolve the matter successfully for the client at a significant savings. Natalie now is advising that company and others in FTC and FCC compliance to avoid litigation in the first instance.

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.

Fortune 50 retailer—Class actions

National Counsel for Fortune 50 retailer in defense of several nationwide class actions alleging consumer fraud and violation of various state consumer protection statutes.

Alerts

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

If You Sell Online, Your Fine Print May Put You At Risk: Wave of Lawsuits Targets Website Terms and Conditions Under the New Jersey Truth-in-Consumer Contract, Warranty and Notice Act, Class Actions & Insurance Coverage Alert, 2.23.2016