

Class Action Defense

Clients from many industries turn to Goulston & Storrs when facing the prospect of class action litigation.

Our clients and referral sources know that we have a strong stable of advocates with class action experience who know how to deploy the strategies necessary to defeat class certification or obtain a pre-trial dismissal or a favorable settlement of claims. We also know how to defuse a claim at the demand stage before a case is filed and how to challenge the forum-shopping tactics employed by plaintiffs.

Our trial lawyers have appeared in state and federal trial and appellate courts from coast to coast and overseas, including popular class action venues, such as New York, California, and Delaware. We also offer the capability of handling complex multi-district litigation.

The following are just some of the many types of class action lawsuits our lawyers have successfully defended:

- **ADA class actions** involving access to websites, transportation, or facilities
- **Wage and hour class actions** (involving allegations of worker misclassification and failure to pay for overtime or break time)
- **Shareholder class actions** involving registration statement and prospectus disclosure issues, IPO pricing, and pricing on “going private” buyouts
- **Investment fund class actions** involving allegations of market-timing, disclosure issues or breaches of fiduciary duty brought against mutual funds and other regulated “investment companies” or “investment advisors”
- **Insurance product claims** involving complaints about disappearing life insurance premiums)
- **Data privacy class actions** involving allegations of selling data or using website cookies to collect information
- **Telephone Consumer Protection Act claims** involving junk texting or faxing allegations
- **Product liability class actions** involving hazardous substances, such as tobacco, opioids, and wood treatment chemicals
- **Claims by tenants against landlords** involving alleged overcharges for taxes, common area maintenance charges or other pass-through costs
- **Claims against affordable housing owners** involving allegations by tenants, unit owners or other stakeholders related to affordable housing regulation
- **Claims against mortgage servicers** involving residential mortgage backed securities

- **Constitutional rights claims** involving alleged violations of a class, such as out-of-state users of toll passes on the interstate highway system

Because of our class action experience and our well-developed knowledge of specific industries – such as the education, health care, hospitality, and transportation sectors – we are also well-prepared to handle a potential onslaught of claims related to COVID-19, including:

- Tuition rebate claims by college and university students
- Consumer claims against airlines, cruise ships, and hospitality hosts for refunds or damages associated with canceled contracts
- Wage and hour issues related to hazard pay, overtime, and break time for grocery store workers, health care staff, and other vital workers
- Discrimination claims

What Clients Value

Why do many clients rely on Goulston & Storrs to handle complex class action claims? Because we offer a combination of valued attributes, such as:

- Highly regarded trial advocacy skills
- A client-centric firm model and approach to legal service
- Specific subject matter expertise related to common class action claims

Trial Advocacy. The most sophisticated clients specifically value our well-developed class action know-how, including our demonstrated ability to:

- Reduce class sizes to limit exposure and reduce the potential of going to trial
- Narrow legal issues and potential damages associated with class action claims
- Successfully oppose class certification by developing public interest objections and challenging legal issues associated with commonality, typically, and numerosity among claimants and claims
- Bifurcate discovery by court order, requiring examination of substantive claims prior to damage assessments or prior to class certification
- Narrow discovery to save money and time
- Remove cases to proper venues for fair adjudication, defeating the tactical advantages plaintiffs seek by filing cases initially in tangentially relevant courts
- Resolve cases at the demand letter stage prior to any damaging publicity

Client Service. Our firm's business model and culture are uniquely focused on client service and client outcomes. We do not have a pyramid structure that necessitates work for multiple layers of

junior-level lawyers, and we also are committed to executing project management and continuous process improvement. As a result, in every matter we handle, we always:

- Match the right senior-level attorney and point person to every case
- Staff cases leanly and handle them efficiently, avoiding protracted discovery battles that are all too common in class actions and often unnecessarily expensive
- Utilize legal service providers for specific tasks to when they can handle them most efficiently and cost-effectively
- Anticipate proactively and respond promptly to client requests
- Work collaboratively with the client, outside experts, and opposing counsel
- Understand the strategic business context of client decision-making, which facilitates settlements or stipulations of facts that are consistent with the client's larger business objectives

Subject-matter Expertise. Because of the industries we most often serve, the class actions we have handled, and the natural evolution of our firm, our team of advocates is particularly well-suited to handle common class action claims involving:

- Banking and financial services
- Data privacy
- Education
- Employment law
- Health care
- Hospitality services
- Pharmaceuticals
- Product liability
- Real estate development, management, and investment
- Transportation

Clients and Industries

Our trial lawyers have significant class action experience, having handled class action defense work for many types of clients in a variety of industries and for a variety of clients, including for example:

- Securities underwriters and issuers
- Public companies and their officers and directors

- Mutual funds and other investment companies
- Insurance companies
- Real estate investment trusts and their management
- Mortgage servicers
- Landlord-owners of multiple properties, including major malls
- Hotel and hospitality providers
- Regional auto dealerships
- Employers with large-scale hourly workforces
- Academic medical centers
- Pharmaceutical companies
- State agencies accused of violating constitutional rights

Because of our firm's deep and broad relationships with clients in specific industry sectors, we are also particularly well-suited to represent individuals and entities involved in the following enterprises:

- Banking
- Education
- Financial services
- Health care
- Pharmaceutical manufacture and distribution
- Real estate development, management, and investment
- Restaurants and food service
- Retail
- Technology
- Transportation

Representative Matters

Defense of Federal and State Section 11 Securities Class Actions

Representation of Sogou, Inc., a foreign public company, in multi-jurisdictional class action lawsuits alleging material misrepresentations and omissions in violation of Section 11 of the Securities Act of 1933 related to the company's initial public offering. Successfully obtained a stay of state court proceedings in California in favor of a pending action in the SDNY, and thereafter obtained complete dismissal of the SDNY action. *See Jiajia Luo v. Sogou, Inc.*, 465 F. Supp. 3d 393 (S.D.N.Y. 2020).

Class Action Alleging Violations of State Wage and Overtime Laws

Secured summary judgment for national real estate investment and management company, which resulted in the dismissal of all claims in a class action alleging violations of state wage and overtime laws.

Massachusetts Wage Law Class Action Litigation

Representation of several entities in defense of class actions alleging violations of the Massachusetts Wage Laws.

Summary Judgment in Class Action Lawsuit Regarding FASTLANE Toll Discount Program

Appointed Special Assistant Attorney General and acted as lead counsel in the successful defense of a class action lawsuit brought in Federal Court in New Jersey and appeal in the Third Circuit Court of Appeals by a class of out-of-state residents challenging the constitutionality of the Massachusetts Turnpike Authority's FASTLANE toll discount program.

Representation of Automobile Dealerships in Defense of Multiple Class Actions

Representation of a privately-owned group of 55 automobile dealerships in defense of three class actions alleging widespread violations of wage and hour laws. These actions feature a novel effort to sue related businesses as a single entity under Massachusetts law, as well as a novel interpretation of various state minimum wage and overtime regulations.

Defeated Class Certification in Putative Class Action

Successfully defeated class certification in a putative class action against a Massachusetts-based public company under the Telephone Consumer Protection Act, 47 U.S.C § 227. The trial court ruled that the plaintiff could not maintain a nationwide class action under the TCPA in a Massachusetts state court. The decision was affirmed on appeal.

Defense of Automobile Dealerships in Wage and Hour Class Action

Representation of automobile dealerships in defense of multiple class actions alleging widespread violations of wage and hour laws, which involve novel claims under Massachusetts law.

Class Action Lawsuit in Cooperative Housing Corporation

Defense of a class action lawsuit brought on behalf of the shareholders of a cooperative housing corporation alleging violations of the corporation's affordable housing restriction.

National Bank Class Action Bankruptcy Litigation

Representation of a national bank in class action bankruptcy litigation.

Shopping Centers Class Action Claims of Overcharged Tenants

Successfully represented owners and manager of a portfolio of regional shopping centers in class action alleging claims that they systematically overcharged tenants for taxes

Class Action Alleging Violations of State Wage and Overtime Laws

Secured summary judgment for a national real estate investment and management company, which resulted in the dismissal of all claims in a class action alleging violations of state wage and overtime laws.

Local Counsel in Federal Securities Class Action

Local counsel in Federal Court securities class action litigation that was tried to a jury verdict.

Defense of Massachusetts' Class Action Wage and Hour Litigation

Handled defense of Massachusetts' class action wage and hour litigation.