

Class Actions

Gordon Arata Montgomery Barnett's trial attorneys are experienced in national, regional, and statewide complex class actions. We have defended clients in myriad industries, including:

- Tobacco
- Pharmaceutical
- Construction
- Vitamin
- Securities
- Retail
- Oil and gas
- Insurance
- Public utility
- Medical devices
- Telecommunications

We have also represented management in wage and hour class action litigation in many industries.

We routinely defend class actions on behalf of a diverse group of national, regional and local clients, providing aggressive, effective and cost-conscious representation on a broad range of commercial and product related issues. We have a record of success at the class certification stage, but when appropriate, our deep bench of trial lawyers is prepared to take the matter to trial. Our lawyers also have the skill and experience necessary to negotiate class settlements and guide a settlement to court approval.

The following examples illustrate the range and success of our class action work.

Our firm represented a major tobacco company in multiple class action proceedings in federal and state courts. These court actions were aimed at certifying a large class of persons allegedly addicted to smoking through the tobacco companies' purported manipulation of nicotine levels and concealment of the addictive nature of cigarettes. Our firm handled depositions, hearings, motions and all aspects of trial preparation.

We defended a leading securities firm in two national class actions filed in Louisiana, alleging that it wrongfully failed to disclose to customers its receipt of order flow payments and violated its duty of best execution. Every strategic decision had to consider the implications for parallel cases filed throughout the country by a consortium of plaintiffs' lawyers, for whom Louisiana ultimately became the favored forum. We worked with defense counsel in New York, Chicago and Washington, D.C., handling similar cases. Having litigated various issues through the Louisiana appellate system and on to the Louisiana Supreme Court ten times over the course of five years, our lawyers won a critical Louisiana appellate court decision holding that the plaintiffs' claims were preempted by federal law. As a result, both class actions settled favorably for our client.

Our firm represented a preeminent vitamin manufacturer sued in a *parens patriae* action filed by the State of Louisiana alleging an international price fixing conspiracy in the vitamin industry. During much of the pretrial phase, we acted on behalf of all defendants as liaison counsel with the plaintiffs' lawyers. We coordinated strategy with national counsel for all the vitamin manufacturers, who we also defended in a multidistrict suit lodged in federal court in the District of Columbia.

We represented a major retailer in defense of a putative national class action brought on behalf of fleet contract customers alleging breach of contract and fraud in connection with its former automotive services department. The result: The state court judge granted our motion to strike the class allegations, granted summary judgment and dismissed *all* the plaintiffs' claims.

Our attorneys defended a major electric public utility and its subsidiaries in numerous class action suits related to regulatory claims, contractual disputes and property rights issues. We have defended many of these suits concurrently on contractual and antitrust issues in courts and on regulatory grounds before the Louisiana Public Service Commission and the Council of the City of New Orleans. Several of these cases have been successfully litigated. We recently secured a favorable settlement of one case after gaining court approval in a contested fairness hearing.

We have represented a national cable provider in several class actions and multi-district litigation cases over the course of many years. These cases include a multi-state class action alleging antitrust violations for product offerings tied to services; a statewide class action alleging trespass of portions of its infrastructure; class action claims for service credits allegedly due as a result of mass outages during hurricanes and catastrophic weather events; and multiple class actions alleging service deficiencies. In each and every class action we were successful in defeating class certification or otherwise reaching a favorable result. We also represented the provider in a consumer class action lawsuit alleging that their late fee policies and procedures imposed on delinquent cable television subscribers under their cable subscription agreements constituted

unlawful stipulated damages. The case involved the extensive use of experts and included several rounds of mediation. Our lawyers have worked with the provider's national counsel in defending the case through depositions, document productions, hearings and pretrial preparation. Similar lawsuits have been filed against cable television companies across the country, and defending these proceedings takes extensive coordination and strategic planning with national counsel and corporate counsel.

Our oil and gas attorneys have extensive class action experience. We defended a large exploration and production company in federal court in Corpus Christi, Texas, and in state court in Lake Charles, Louisiana, against claims attacking industry-wide crude oil pricing and marketing practices. This multidistrict, multi-defendant class action litigation involved state law breach of contract and tort claims, as well as federal and state law antitrust claims. The federal district court approved multiple settlements after a week-long fairness hearing, which survived various challenges on appeal to the U.S. Fifth Circuit Court of Appeals. Other class actions have involved environmental remediation claims, natural gas pricing and measurement issues, royalty claims, challenges to the scope of authority and order of the Louisiana Commissioner of Conservation and lease cancellation claims.