BERGER SINGERMAN
FLORIDA'S BUSINESS LAW FIRM

CLASS ACTION LITIGATION

Our Dispute Resolution Team attorneys have extensive experience representing plaintiffs and defendants in class action lawsuits in the state and federal courts, including matters in industries such as pharmaceuticals, health care, medical services, telecommunications, leasing, automotive, linen supply, travel, and carpeting. This Team's attorneys enjoy an impressive track record of success, representing clients in the prosecution and defense of class action claims alleging claims for antitrust, securities and consumer fraud, employment law, construction defects, and general contract matters.

The Team's experience encompasses the analysis and management of complex legal and factual issues arising from class certification motion practice and hearings, multi-district litigation and other multi-forum proceedings, federal court jurisdiction, management of massive document (including electronically stored) discovery, settlement negotiations and the process of obtaining court approval, including fairness hearings, class notification procedures, preliminary injunctions, trials, and appeals.

Representative Matters

ABBOTT AND OTHER GENERIC DRUG MANUFACTURERS

Berger Singerman provided representation as part of lead counsel for plaintiff's group who represented the wholesaler and direct purchaser class of the drug Hytrin against Abbott and other generic drug manufacturers who allegedly conspired to updated Section 1 and Section 2 of the Sherman Antitrust Act. The matter was successfully litigated and settled. The case contained several novel questions involving the intersection of antitrust law and class certification.

AUTOMOBILE MANUFACTURERS

Berger Singerman provided defense of antitrust and deceptive and unfair trade practices act claims that certain foreign and domestic automobile manufacturers inflated the prices of vehicles sold in the United States, and conspired to prevent less expensive vehicles from entering the U.S. market. The state court in Florida granted the defendants' motion to stay all proceedings pending the resolution of similar actions pending before the Judicial Panel on Multi-District Litigation.

ARMOR MANUFACTURER

Berger Singerman defended a manufacturer of body armor in connection with warranty claims alleging premature deterioration of bullet resistant materials. We minimized potential liability by agreeing to class certification in conjunction with a coupon settlement providing for replacement of vests upon return of the allegedly defective armor. The settlement not only minimized class damages, but also resulted in removing the allegedly faulty vests from circulation thus eliminating potential future product liability claims that could have resulted from equipment failure.

BORATE TECHNOLOGY COMPANY

Berger Singerman provided defense of a products liability class action lawsuit against a company engaged in borate technology, research and development brought by a family claiming that they were injured by arsenic in the defendant's product.

CREDITORS COMMITTEE IN WARN CLASS ACTION
Berger Singerman provided representation of the Creditors Committee in a WARN class action suit brought by a class of over 2900 employees against a top 10 wholesale mortgage lending firm sued in federal bankruptcy court.

FINANCIAL SERVICES FIRM
Berger Singerman defended a financial services firm in class action litigation brought by residents of all 50 states, Guam and Puerto Rico affected by large-scale data security breach of personally identifiable information. The case settled on terms favorable to the client.

FOREIGN PHARMACEUTICAL MANUFACTURER
Berger Singerman defended a foreign pharmaceutical manufacturer in an antitrust class action lawsuit alleging price fixing. The case settled on terms favorable to our client.

GEORGIA CARPET MANUFACTURER
Berger Singerman served in the defense of a major Georgia carpet manufacturer and distributor against tort claims arising from defects in the materials used in its manufacture. Berger Singerman obtained a dismissal of the action for our client before the class certification issues came before the court.

GOVERNMENTAL PORT AUTHORITY
Berger Singerman defended a governmental port authority in class action litigation brought by neighborhood residents seeking injunctive relief and damages from the development of an additional airport runway.

LINEN SERVICE COMPANY
Berger Singerman defended a national linen service company and other linen suppliers to hospitals and related healthcare facilities. We obtained a dismissal for our client before the class was certified as to the other defendants.

MEDICAL SERVICES COMPANY
Berger Singerman defended a large medical services company sued in state court for violations of the federal and Florida Fair Debt Collection Practices Acts for allegedly using threatening language in its collection letters to more than 700,000 people. Due to the minimum damages per violation under this statute, our client faced tremendous potential monetary exposure. Berger Singerman defeated the attempt to certify the class by successfully arguing that class treatment was not superior to the prosecution of individual claims because the Acts permitted awards of statutory minimum damages and attorneys' fees and costs, allowing parties to economically and fairly prosecute their own individual claims and that individual issues of fact regarding actual damages rendered class treatment unmanageable.

MULTI-BANK COMPANY LEASING SUBSIDIARY
Berger Singerman defended a leasing subsidiary of a multi-bank company providing worldwide retail and commercial banking, finance and credit card services. Plaintiffs alleged that the forms and calculations programs supplied by the client did not comply to the companies from which it purchased auto leases with applicable Florida and federal statutes. After removal to federal court, Berger Singerman defeated the plaintiffs' attempts to have the class certified, and successfully defended that ruling on appeal.

MULTINATIONAL REINSURANCE FIRM
Berger Singerman served in the defense of a multinational reinsurance firm accused of securities fraud, and managers accused of breach of fiduciary duty, following a disclosure that losses had exceeded reserves.

MULTI-STATE COMPANY
Berger Singerman defended a company with facilities in 48 states in a Fair Labor Standards Act case with 2,900 plaintiffs.

NATIONAL HOME BUILDER
Berger Singerman successfully prosecuted a class action against a national home builder for breach of implied warranties resulting from the failure to properly conduct preventative termite treatments as required by applicable building codes. Following class certification, the trial court's rulings were upheld on appeal. A

favorable settlement was reached and approved by the trial court that provided for subclasses that received new extended warranties and recovered for damages incurred as a result of termite damage.

PHARMACEUTICAL MANUFACTURER
Berger Singerman served in the prosecution of class and individual antitrust claims for a pharmaceutical manufacturer in multi-district litigation alleging that defendants unlawfully conspired to monopolize the market in connection with the manufacture and sale of generic versions of a brand name drug. After appeals before the Eleventh Circuit regarding class certification and summary judgment rulings, the district court ruled on remand that the defendants' conduct constituted a per se unlawful agreement to restrain trade.

REAL ESTATE DEVELOPERS
Berger Singerman prosecuted claims against developers for failure to comply with building codes. The class was certified and certification was upheld on appeal. The developers ultimately settled the claims on terms favorable to the class.

STATE'S MASS TRANSIT CORPORATIONS
Berger Singerman defended a state's mass transit corporations in multiple class action suits alleging that toll discounts for certain residents violated, among other things, the dormant commerce clause and privileges and immunities clauses of the United States constitution.

TELECOMMUNICATIONS COMPANY
Berger Singerman provided defense of a major telecommunications company against claims brought by plaintiffs whom were harmed by a gas line explosion in Venezuela. A subsidiary of Berger Singerman's client owned the pipeline, and the plaintiffs sought alter ego liability against the client. We obtained the dismissal of the action and also served as coordinating defense counsel for the company in lawsuits filed in twelve other jurisdictions across the country.

VACATION OWNERSHIP COMPANY
Berger Singerman defended the largest vacation ownership company in the world, specializing in the development, marketing and sales of travel and leisure products. The claim involved over 1,000 individuals classified as independent contractors, who claimed that they should have been deemed employees. If successful, the plaintiffs would have been entitled to recover expensive company benefits, including 401(k) contributions, with enormous tax consequences resulting for our client. Berger Singerman defeated class certification.