ECKERT SEAMANS

Class Action Litigation

OVERVIEW

The Class Action Litigation Group at Eckert Seamans is a premier litigation practice comprised of experienced litigators who have hands-on experience implementing and determining national strategy and media relations, coordinating discovery in class action and multidistrict litigation (MDL) proceedings, locating and developing expert witnesses to provide consistent well-grounded opinions and testimony, successfully pursuing Daubert hearings and dispositive motions, and bringing cases to trial in numerous jurisdictions. Our class action attorneys are involved in a wide range of litigation arising under both federal and state laws, including product liability and mass tort defense and related insurance coverage litigation, the defense of corporations and their directors, officers and outside advisors in class action and derivative lawsuits under state and federal fraud and securities laws and labor and employment. We use trained paralegal and support staff, as well as the latest litigation support technologies to minimize litigation costs while maximizing productivity and effective use of our substantial litigation resources.

REPRESENTATIVE MATTERS

- Class action trial counsel for the U.S. subsidiary of an international automobile manufacturer against allegations of breach of express warranties, implied warranties and violations of the Magnuson Moss Warranty Act. Defense verdict returned as to the implied warranty of merchantability claim and remaining verdict returned represented a small fraction of the amount claimed on behalf of the class and was in line with the terms of previously agreed multi-state and national settlements reached after the start of trial.
- Regional representation of a vehicle service contract issuer against individual and class action claims alleging breach of contract, violation of consumer protection statutes and Magnuson Moss claims.
- Represented a Japanese automobile manufacturer in nationwide class action alleging property damage resulting from vehicle accidents allegedly connected to the recall of a vehicle. Nationwide settlement of class action negotiated prior to class certification hearing.

Chemical

- Served as counsel in a class action involving alleged EtG (Ethylglucuronide) testing for alcohol.
- Currently represent a client in an action pending in the Western District of Pennsylvania, Thomas Ealy, et al. v. Indspec Chemical Corporation and Occidental Petroleum Corporation, Case No. 2:08-cv-01571-NBF. The action relates to an alleged release of chemicals from the Indspec facility in Petrolia, Pennsylvania. The plaintiffs are alleging a class currently consisting of property damage and evacuation claims.
- Represented Indspec Chemical Corporation in a claim which was commenced in the Court of Common Pleas of Butler County against Indspec and various other defendants. In this action, plaintiffs claimed to represent a class who had been damaged as a result of alleged groundwater contamination. The claims involved both property damage and personal injury. Ultimately, the claim was dismissed.
- Defended a client in multidistrict litigation pending in the Southern District of New York regarding gasoline additive (Mtbe) leaching in municipal groundwater supplies. Case concerned complex causation theories including comingled market share.

Financial Services/Securities

- Lead counsel in defense of putative national class action against financial services company alleging that a company sold disability insurance rider deceptively. Class was never certified and after discovery, case was settled for nominal sum and dismissed.
- Defense of numerous class actions brought against national consumer finance companies in multiple jurisdictions.

- Currently representing one of the world's largest credit rating agencies in four putative securities fraud class actions seeking damages in excess of $1 billion based upon alleged misrepresentations concerning the value of various mortgage backed securities.
- Successfully dismissed shareholder securities fraud class action against officers and directors of major publicly trade corporation. Payne v. DeLuca, et al. Case No. 02 – 1927 Western District of Pennsylvania.
- Defended Chief Executive Officer of publicly traded company in shareholder securities fraud class action and obtained dismissal of action. Glover v. DeLuca, et al Case No. 03-288 Western District of Pennsylvania.

Insurance

- Representation of an International Commission formed to distribute life insurance proceeds to heirs of Holocaust victims in a class action filed in California relating to the administration of the claims process. Steinberg v. International Com. on Holocaust Era Ins. Claims, 133 Cal.App. 4th 689 (Cal. Ct. App. 2005).
- Currently defending a client in consolidated September 11th litigation pending in Southern District of New York. The class consists of 9,000 plaintiffs and 1,500 clients. Court has created subclasses and bell weather trial clusters. Discovery includes over 5 million documents and case concerns complex industrial pulmonary health and causative agent issues.

Manufacturing

- Served as national counsel for an international manufacturer of water heaters in successfully defeating numerous national and state class actions. These cases concerned alleged deficiencies in a new water heater design that sought to revolutionize the fifty year-old water heater manufacturing process and these cases sought damages in excess of $1 billion. Class certification was overturned by the Texas Court of Appeals.
- Defended a putative national class action against an American subsidiary of a foreign manufacturer of microwave ovens on behalf of a class of over 2 million purchasers alleging a defective part created an increased risk of fire. Case was dismissed with prejudice prior to class certification.
- Serving as local counsel in an multidistrict litigation/class action involving alleged price fixing of wood products.
- Represent Snyder's of Hanover in a case that was originally commenced in Illinois and has been transferred to the Middle District of Pennsylvania. The claim is that the individual distributors are not independent contractors, but are employees and plaintiffs seek damages including lost wages, cost recovery and overtime payments.
- Represent Snyder's of Hanover and a related company, G&A Snack Distributing, Inc., in a class action filed in California alleging claims and damages regarding the classification of employees. This action has also been transferred to the Middle District of Pennsylvania.

Medical

- Representation of medical societies and individual physicians as objectors in class actions involving settlements between various physician groups and health insurers.
- Representation of healthcare providers in multidistrict litigation/class action involving breast implants, as well as statewide counsel on behalf of health providers in silicone breast implants.
- Representation of a health and hospital system involving allegations of transmission of tuberculosis to patients.
- Representation of an oncologist and hematologist involving allegations of potential exposure to transmission of hepatitis and other diseases to a class of up to 3,000 patients.
- Representation of defendants in medical monitoring class actions involving prescription medicines and toxic exposures.

Real Estate

- Defended two class actions suits filed by tenants of shopping malls who challenged the common area maintenance and real estate tax charges levied on the mail tenants by the landlord.

Utilities

- Defense of fiber optic right of way class action suit involving investor owned utility and its telecommunications subsidiary, including settlement administration and defense of opt-out claims.
- Counsel natural gas affiliates of diversified energy company regarding class action settlement and administration issues, including class definition, notice procedures, claims processing, administrator retention and management, and claimant dispute resolution.