

CLASS ACTION LITIGATION

Hodgson Russ prosecutes and defends class action lawsuits on behalf of businesses and classes of individuals in cases arising from consumer actions, wage and hour violations, unfair and deceptive trade practices, catastrophic events, health and safety issues, director and officer liability, constitutional claims, and products liability matters.

Our attorneys possess considerable experience in complex and multi-jurisdictional litigation. We have represented numerous Fortune 500 companies, banks and financial institutions, health care entities, pharmaceutical companies, insurance providers, and medical device manufacturers.

Recent matters we have handled include a multimillion-dollar damages award in a trial over improper trust investments, the defense of numerous suits claiming hundreds of millions of dollars of steel-frame building damage arising from a California earthquake, representation of a direct broadcast satellite service in hundreds of satellite piracy cases, class-action employment discrimination lawsuits, and class- and collective-action wage and hour suits, among many others.

The matters we have handled include:

- Breach of fiduciary duty
- Director and officer liability
- Civil Racketeer Influenced and Corrupt Organizations Act (RICO) disputes
- Fair Labor Standards Act claims
- Wage and hour claims
- Lender liability
- Products liability
- Securities class actions
- Truth-in-lending, fiduciary, and consumer protection actions
- Unfair competition claims

Experience

Hodgson Russ represented 75 named plaintiffs in a class-action case involving an investment advisor's fraudulent investment scheme. After an 18-month litigation, we obtained for our clients provisional relief and a judgment against the investment advisor for more than \$20 million. The plaintiffs have thus far collected funds in excess of \$4 million, which is atypical for victims in cases like this, who are often not

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able to recover any amount of their lost investment. A receiver has been appointed, and it is possible the class members will be entitled to additional recovery. Moreover, because this litigation morphed into a class action, victims of the scheme who under normal circumstances could not afford to retain counsel were able to benefit from this judgment.

Representation of a technology/data storage company in defense of class action data breach claims (New York State Supreme Court, Warren County). Matter handled prior to joining Hodgson Russ.

Hodgson Russ successfully defended the City of Buffalo's use of employment promotional exams against two federal putative class-action challenges by a group of African-American firefighters. After a bench trial, the district court ruled that the examinations were valid, non-discriminatory selection devices that were job related and consistent with business necessity, even though they statistically favored non-minority candidates. A Hodgson Russ attorney successfully briefed and argued the appeal in the U.S. Court of Appeals for the Second Circuit, which affirmed the district court's ruling.

Hodgson Russ served as lead counsel in the successful defense of a client in a Department of Justice criminal price-fixing investigation. The U.S. investigation was discontinued, while a parallel European Union investigation not involving Hodgson Russ resulted in fines. Hodgson Russ defended the company in related federal and state class action cases.

Representation of a retail company in the defense of class action claims alleging deceptive sales practices. (NYS Supreme Court, Kings County). Matter handled prior to joining Hodgson Russ.

Hodgson Russ is defending a large healthcare organization in a multi-million dollar ERISA class action related to administration of defined benefit plans and claims of excessive administration and investment fees. Our work includes defending the organization, the Board of Directors' and its committees' actions, decision-making, and execution of their fiduciary duties related to the plans' recordkeeping fees and investment fees.

Successfully defended and obtained dismissal of multiple federal court class actions alleging violations of New York's Public Health Law, including decisions from New York's highest court on novel legal issues.

Obtained early dismissal of class action in the Eastern District of New York alleging consumer fraud and breach of fiduciary duty.

Negotiated favorable settlement of a class action in the Western District of New York claiming consumer fraud and violations of New York statutes related to mortgage releases.

Managed multiple shareholder lawsuits in state and federal courts in New York and Pennsylvania seeking to block a corporate acquisition and negotiated and supervised resolution of all cases.

Negotiated voluntary withdrawal of class allegations in the Southern District of New York claiming breach of contract and New York statutory violations.

Under the yoke of a federal class-action lawsuit, a New York State public school district approached Hodgson Russ for help. The suit, filed in the U.S. District Court for the Western District of New York, involved systemic, district-wide special education compliance issues. Over the years, the district was required to expend a considerable time, particularly in the compliance review, and was also required to pay significant fees to the parents' attorneys. A Hodgson Russ team anchored

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by Ryan Everhart negotiated a settlement with the plaintiffs' attorneys. District Court Judge John T. Curtin ended the federal court's jurisdiction over the district as well as any entitlement the plaintiffs' attorneys had to the district's student records and additional attorney's fees.

Representation of a company and its owners in defense of class action claims accusing the company of violating federal and state wage and hour laws. (U.S. District Court, Northern District of New York). Matter handled prior to joining Hodgson Russ.

In the News

Coronavirus Resource Center

Publications

Uptick in Investor Class Action Lawsuits Expected Due to COVID-19
Hodgson Russ Class Action Litigation Alert, May 29, 2020

