

# Wiley Rein Attorneys Secure Major Victory in Class Action Defense

October 1, 2008

A team led by Wiley Rein communications attorney Andrew G. McBride scored a major victory in a class action against Verizon Wireless brought by consumers alleging that an administrative charge was improperly imposed on their accounts. In *Litman v. Cellco Partnership* (D.N.J. Sept. 29, 2008), the court dismissed the consumer class action against Verizon Wireless on the grounds that the service contract required individual arbitration and therefore precluded the plaintiffs from going directly to court as a class. The court held that the Federal Arbitration Act required that the arbitration clause in the service contract be enforced. Other courts, including the Ninth Circuit, have come to the opposite conclusion, holding that individual arbitration clauses are unconscionable under state law because they preclude collective action and collective remedies in cases where individual damages are relatively small. The issue is likely to find its way to the Supreme Court in the next several years.

[Click here to view a copy of the opinion.](#)

## Practice Areas

- Class Actions and Complex Multi-Jurisdiction Litigation
- Enforcement of Arbitration Clauses
- Federal Preemption
- First Amendment/Commercial Speech
- Judicial Review of Agency Action
- Rights-of-Way Litigation and Counseling
- Telecom, Media & Technology
- TMT Appellate
- Tower Siting and Wireless Facilities Access
- Video Programming and Cable Franchising
- Wireless