McElroy Deutsch

Class Actions



Aggressive and resourceful advocates from the outset of every class action case

Our class action capabilities provide domestic and foreign companies with multi-disciplinary litigators who are highly experienced in handling class actions and complex litigation. Our class action lawyers' areas of expertise include, but are not limited to:

- Labor & Employment
- Product Liability
- Banking
- Credit Card and Mortgage Services
- Insurance
- Pharmaceuticals
- Automotive
- Consumer Fraud
- ERISA

The cornerstone of an effective class-action defense strategy is the demonstrated ability to defend the litigation aggressively from the outset. While the vast majority of class actions settle prior to class certification, settlement on favorable terms is possible only when plaintiffs' counsel believe they face a formidable adversary in the courtroom. Our class action lawsuit attorneys have a proven record of success in winning dispositive motions, defeating class certification, and where necessary, prevailing

at trial.

Our attorneys seek at all times to obtain favorable outcomes as cost effectively and as quickly as possible. Our earned reputation as aggressive and resourceful litigators enhances our ability to pursue a variety of tactics to settle class actions early on, without signaling a lack of resolve to defend the litigation with vigor. When involved in the case at an early stage our class action lawyers can assist in evaluating the merits of the claims, potential removal, and class certification strategies, and help to determine whether an early attempt at settlement is possible and in our client's best interest.

Representative Cases

Results may vary depending on your particular facts and legal circumstances.

- Represented JPMorgan Chase and its former mortgage servicing arm, Chase Home Finance, LLC, in several class action matters in which the respective plaintiffs asserted a variety of state and federal consumer protection related statutes in New Jersey federal court. The Firm's attorneys were successful in having those cases dismissed on pre-answer motions to dismiss for failure to state claims, for lack of standing and / or for lack of subject matter jurisdiction.
- Represented JPMorgan Chase in the Southern District of New York against borrowers asserting claims on behalf of themselves and a putative class under the FDCPA, after JPMC obtained Washington Mutual Bank ("WaMu") and certain of its assets, including mortgage loans, out of receivership from the FDIC. The issues, novel to the Southern District of New York and the Second Circuit at the time, involved whether JPMC was a creditor pursuing its own debt or whether it was a debt collector pursuing the debt of another and, thus, subject to the FDCPA. The Southern District granted summary judgment in JPMC's favor and denied class certification. On reconsideration, JPMC prevailed.
- Served as local counsel to Jos. A. Bank Clothiers, Inc. in New Jersey federal court. There, the plaintiffs, on behalf of themselves and two putative nationwide classes, asserted violations of the NJCFA with respect to Jos. A. Bank's sale, marketing and pricing of clothing and merchandise. After successfully having the initial complaint dismissed, the Firm's lawyers simultaneously moved to dismiss the plaintiffs' Amended complaint, and moved to strike class allegations. The circuit court agreed with our client's position.
- Represented a national, security-alarm provider against a putative class action, comprised of a group of allegedly 14,000+ Massachusetts customers. After extensive discovery, the Massachusetts Superior Court denied class certification.

Related Industries

Corporate
Financial Institutions
Insurance
Telecommunications



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