POLSINELLI

Class Action & Multidistrict Litigation

Polsinelli is a nationwide leader in class action, mass action and multidistrict litigation. We work tirelessly on behalf of our clients to secure successful outcomes in some of the country's most complex and high-profile cases. Our approach combines procedural, subject matter, and industry knowledge to provide the most effective and efficient legal team possible.

At the outset of class litigation, we engage in detailed case planning, providing clients with realistic budgets and case assessments that enable practical decision-making. We also work to limit the interruptions that extensive class discovery can have on our clients' business operations by combining substantive experience in class action discovery with the latest e-discovery technologies. We then develop innovative approaches to class certification and, where appropriate, class settlement that best position our clients for a resolution to meet their business objectives. And should the case go the distance, Polsinelli's class action attorneys are experienced trial lawyers who have taken countless cases to successful verdicts, earning us a "Standout" rating for Class Action Litigation in the 2025 *BTI Litigation Outlook* guide, a report based on an in-depth survey of more than 350 corporate counsel and leading legal decision makers.

Polsinelli attorneys have experience litigating class actions, mass actions, and multidistrict litigation involving most areas of law, including:

- Antitrust
- Appellate
- Biometric Privacy Laws
- Consumer Fraud
- Contracts
- Cybersecurity
- Data & Information Privacy
- Federal Statutory Claims (such as TCPA, RICO, FDCPA, FCRA, and FCA)
- Fiduciary Duty
- Government Regulations
- Insurance
- State Consumer Protection Statutes and Regulations
- Tax
- Torts

Our class action depth also spans a variety of industries, including:

- Collegiate Athletics
- Consumer Products
- Education
- Energy
- Financial Services

- Food & Beverage
- Health Care
- Insurance
- Manufacturing
- Technology
- Telecommunications
- Transportation

In addition to the work we do on behalf of our clients, Polsinelli class action attorneys hold key leadership positions in national and state bar associations across the country and we are frequently called upon to present on emerging issues in class action litigation. Our practice and our lawyers consistently receive local, state, and national accolades for our work in complex litigation, including being recognized by the *BTI Litigation Outlook* guide, *Chambers USA*, *U.S. News & World Report* "Best Lawyers," and Benchmark Litigation.

Matters

Telephone Consumer Protection Act (TCPA)

- Led defense of multiple putative class actions filed under the Telephone Consumer Protection Act (TCPA).
- Defended telecommunications carrier in TCPA class action in West Virginia alleging carriers should be liable for not blocking spoofed robocalls. Plaintiff's claims were dismissed with prejudice during discovery.
- Defended TCPA class action in the Northern District of Illinois on behalf of a financial institution. Plaintiff was seeking to certify a national class. Secured dismissal based on the argument that the equipment used to contact Plaintiff was not an Automatic Telephone Dialing System (ATDS).
- Successfully defended a TCPA class action in the District of Nevada with a risk exposure of $150 million.
- Represented a nonprofit corporation sued in a class action for alleged violations of the TCPA. Moved for a dismissal based on Plaintiff's failure to state a claim. Court granted the dismissal, and the 8th Circuit Court of Appeals affirmed
- Represented health care staffing company in Missouri in class action litigation involving claims for violation of the TCPA. The matter was resolved in a favorable settlement to our client's benefit.
- Successfully defended leading network access provider and data management platform in TCPA class action, obtaining full dismissal with prejudice.

Privacy

- Represented a multinational telecommunications and media conglomerate in defense of nationwide data breach class action cases.
- *Enslin v. The Coca-Cola Company, et al., Case No. 2:14-cv-06476 (E.D. Pa.)*: Obtained summary judgment, and affirmance on appeal, in a putative class action alleging privacy violations under federal and state law in connection with the theft of 55 laptops containing employee information.
- Defended national bank and payment processor in class action in Illinois alleging violation of California privacy acts. Case settled favorably.
- Defended correctional facility operator in class action alleging federal wiretap violations.
- Defended health care organizations in class action claims in California, Illinois, Iowa, Missouri, New Hampshire, New York and other states, alleging privacy rights violations, common law, and statutory obligations.
- Defended credit unions in California, Florida and New Mexico in class action claims alleging violations of privacy rights and common law and statutory obligations.
- Defended national recreational vehicle retailer in class actions alleging violations of privacy laws.
- Defended an educational institution in Missouri in class action, alleging violations of privacy laws.

Biometric Information Privacy Act (BIPA)

- Defended numerous health care organizations against class action claims alleging violation of the Illinois BIPA.
- Represented timeclock and software vendor against class action claims alleging violations of the Illinois BIPA.
- Represented fast food franchise in class action alleging franchisor's use of timeclock using thumbprint scanner to unlock POS machines violated the Illinois BIPA.
- Represented client that hosts facial recognition software in class action alleging that it captured images to compare to pictures in intelligent databases violated the Illinois BIPA.

Consumer

- Defended supplement leader BSN in national class action alleging consumer fraud claims over several popular creatine and energy sports supplement products.
- Represented a car rental company in a putative nationwide class action concerning administrative and other fees charged to customers.
- Secured a complete dismissal of claims against a foreign manufacturer of hair relaxer products in *In re Hair Relaxer Marketing, Sales Practices, and Products Liability Litigation*.
- Secured a complete dismissal of two putative nationwide class actions seeking reimbursement damages for allegedly defective consumer product following a product recall.
- Represented a Fortune 500 manufacturer of heating, ventilation and air conditioning (HVAC) systems in a putative nationwide class action alleging manufacturing defects and breach of warranty.
- Obtained a favorable resolution of a Fair Credit Reporting Act (FCRA) putative class action matter for a publicly traded government contractor.
- Defended a Fortune 500 services company in a putative class action alleging failure to comply with regulations of the Fair Credit Reporting Act (FCRA).
- Defended class actions in Missouri, Florida, Texas, New Jersey, New York, Illinois, Louisiana, Michigan, and the District of Columbia against a wireless communications carrier for allegedly misleading consumers about billing practices, the quality of its coverage, the capacity of its network and the quality of its phones. In each case, an arbitration clause was enforced, class certification was denied, or the cases were dismissed or settled on favorable terms.
- Defended health club organizations in Missouri against claims under the Missouri Merchandising Practices Act and common law asserting unlawful charging and collection of fees. Cases settled favorably.
- Defended a cryptocurrency technology company in Kansas and Missouri against claims of misrepresentations and violations of various states' consumer protection laws. Defeated class certification.
- Defended credit collection firm in Illinois and New York against claims under FDCPA, RICO and state laws asserting unlawful practices. Cases settled favorably.
- Defeated class certification motion and subsequently obtained summary judgment on behalf of a consumer reporting agency in another FCRA class claim brought in the Northern District of Illinois. Plaintiffs alleged that our client provided their consumer reports to certain payday lenders, including Native American tribal lending entities ("TLEs"), without permissible purpose under the FCRA because those lenders lacked licensure required by the State of Illinois to make loans in excess of 9%. Plaintiffs also alleged that client failed to implement reasonable procedures to ensure that it furnished consumer reports only for a permissible purpose, as required by the FCRA.
- Defended a consumer reporting agency in the Eastern District of Virginia putative class action alleging various violations of the FCRA, including allegations of impermissible purpose and unreasonable procedures, as well as allegations of failure to investigate under Section 1681i and failure to disclose required information under Section 1681g. Settled favorably.
- Successfully defended skin care company in class action alleging state consumer law violations for false labeling.

Insurance

- Defended insurer client in putative class action alleging wrongful denial of benefits under medical insurance plan; case dismissed on all causes of action.

- Represented a major insurance company in a proposed class action involving the insurer's reserves and surplus.
- Defended credit life insurance carrier against class action claiming the right to refunds of unearned premiums. Class certification was denied.
- Represented an insurance company in defense of a class action case concerning a coverage form for all policies sold in Colorado for five years. Resolved the matter early before certification, by corrective notice, with some return of the premium and continued use of policy form.
- Represented an insurance company in a class action case involving homeowners casualty insurance where the Plaintiff's purported class raised antitrust and fraud claims. The client's motion to dismiss was granted, upheld on appeal, and no class was certified.
- Represented water line insurance carrier in a class action in Missouri alleging misrepresentations and unfair conduct with respect to water line damage claims.

Food & Beverage

- Represented an organic food company in defending class action allegations concerning labeling. The class certification was denied, and no appeal was taken.
- Successfully defended putative class actions in the food and beverage industry for violating California's false advertising and unfair competition laws.
- Defended manufacturers, packagers and retailers of dietary supplements in class actions alleging federal and state consumer laws violations.
- Successfully defended class action asserting state consumer law violations for false advertising and marketing of natural food products.
- Defended class action claims brought against maker of chewable pet treats based on alleged violations of state and federal warranty laws. Class certification was denied, affirmed on appeal, and case settled on favorable terms.

Other

- Represented a trust company in a proposed class action on the basis of breach of fiduciary claims under the Employee Retirement Income Security Act of 1974 (ERISA) and a civil conspiracy under the Racketeer Influenced and Corrupt Organizations Act (RICO).
- Obtained a favorable settlement for a prominent payment card firm in a national federal putative class action matter defending against assertions of Sherman Act claims relating to merchant contract provisions.
- Successfully defended several financial institutions against putative shareholder class action lawsuits challenging proposed mergers of those financial institutions.
- Defended association in class action by athletes alleging use of name, image and likeness.
- Defended managed care entity and hospital of last resort in putative class action alleging client collected more in subrogation from third parties than allowed under federal and state laws.
- Represented low-income housing developer and investor in class action alleging violations of state consumer laws and warranty of habitability.
- Represented commercial property landlord in class action alleging violations of RICO with respect to the use of union labor.
- Represented wind energy company in class action alleging violations of state nuisance laws and RICO.
- Represented hospital system in class action, alleging improper surprise billing practices.