Seyfarth

California Consumer Fraud Class Actions

It is no secret that resourceful plaintiff's attorneys target companies conducting business in California with expensive and time-consuming putative class actions alleging violations of federal or state consumer statutes. California consumer fraud allegations pose the risk of enormous financial damages, injury to brand reputation, and loss of key business relationships and assets. They also divert valuable time, management focus, and resources away from core business objectives.

WHAT SETS US APART

Understanding Your Legal Demands and California Business Needs. Our attorneys have handled hundreds of cases defending consumer fraud in myriad consumer fraud litigation in both state and federal courts. Seyfarth has developed subject-matter expertise to ensure our clients doing business in California receive not only a team of excellent litigators with a wealth of experience, but also a firm that understands its clients' business and can provide strategic insight.

Industry Know-How. It is essential to have a multidisciplinary team of proactive counsel on your side. We represent California businesses in state and federal consumer class actions, spanning all industries, including retail, food service, grocery & convenience stores, shipping & logistics, data analytics, automotive, health care & pharmaceutical, travel, hospitality & entertainment, consumer financial, and legal & professional services, among others.

Innovative Delivery. Our attorneys deliver clients with strategic case control from the beginning of the suit to the end. We defend industry clients nationally against putative class and single-plaintiff consumer fraud actions involving advertising and labeling claims, deceptive trade practices, data collection, pricing practices, telemarketing, rebate policies, product liability, securities, and e-mail marketing campaigns. We have a proven track record of quickly digging into the facts to create a comprehensive defense strategy to successfully defeat or resolve these matters in the best interest of our clients. Our innovative approach is a key metric of our success.

Commitment to Excellence. We are strategic, fast-acting litigators who argue effectively and persuasively. We understand the need to achieve results in the most practical and effective manner possible. Seyfarth continues to make a significant investment in our advanced delivery platforms that enables us to achieve litigation efficiencies for our clients. We also have broad experience working with litigation support personnel, both inside and outside the firm, in order to streamline the litigation process and make the most effective use of resources.

Our attorneys regularly speak and publish on developments in California consumer fraud class actions and also counsel clients on regulatory compliance and litigation avoidance strategies. Visit Seyfarth's **Consumer Class Defense Blog**, which provides perspectives and timely developments on consumer fraud litigation and regulatory activity.

OUR SERVICES

Best-in Class Litigation and Trusted Advice. We offer a full range of legal services that cover all facets of California consumer fraud matters including the following:

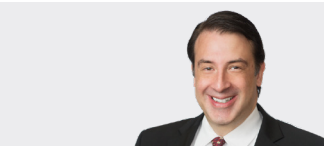
- Breach of warranty (express and implied)
- California Consumers Legal Remedies Act (including the Honest Pricing Law)
- Comparative/ False Reference Pricing Claims
- California Consumer Privacy Act
- California Constitution - privacy claims
- California False Claims Act
- California Invasion of Privacy Act
- Magnuson Moss Warranty Act
- Breach of contract
- Unfair competition
- False advertising
- False labeling
- Fair Accurate Credit Transactions Act
- Fair Debt Collection Practices Act
- Fair Credit Reporting Act
- Telephone Consumer Protection Act
- Song-Beverly Act
- Business torts
- Regulatory and government investigations
- Insurance-related claims
- Securities and derivative claims

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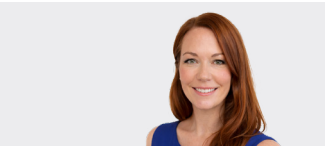
SELECT REPRESENTATIVE MATTERS

- Defending supplement manufacturer against California, Missouri, Massachusetts, New York, and National putative class action alleging regulatory violations and mislabeling of benefits of supplements in over-the-counter cold remedies.
- Defended and resolved hundreds of CIPA demands, mass arbitrations, and class actions.
- Defending golf ball manufacturer against false labelling and false advertising claims brought but putative California class representative.
- Defended nutraceutical company against class and consumer claims relating to the alleged mislabeling of health supplements. Seyfarth obtained the dismissal of Magnuson-Moss Warranty Act and state warranty claims; eliminated national class based on Mazza where named plaintiff not California resident; and adjudicated class and consumer claims at summary judgement and defeated class certification; settled limited class claims days before trial after remand.
- Defended automotive industry company against class action complaint alleging consumer fraud claims related to data privacy. Case was settled on an individual basis with favorable defense terms.
- Defended four pharmaceutical industry clients in a putative class action against claims alleging that they falsely claimed that their cosmeceuticals were patented and could instantly and dramatically eliminate the appearance of wrinkles. Plaintiffs voluntarily dismissed their complaint in its entirety.
- Defended entertainment website operator against class action alleging violation of California's automatic renewal law. Seyfarth was retained after the court entered the client's default and granted Plaintiff's unopposed motion for class certification. Seyfarth negotiated favorable settlement on an individual basis based on strength of pending motion to set aside default and to vacate class certification .
- Represented sporting good company in a fraud class action involving the false labeling on cans of tennis balls as containing the same balls used by professional players at the US Open.
- Represented internet service provider in a putative California class action alleging purported improper billing for DSL service in violation of California consumer protection statutes. Defeated class certification.
- Defended a major health care provider against CIPA and CMIA claims based on the use of tracking technologies on their website. Successfully opposed class certification, avoiding over $1 billion in exposure to the class.
- Represented large grocery chain in a putative California class action alleging unfair business practices, consumer fraud, and false advertising. The case involved ginseng and ginseng-containing food products and supplements allegedly contaminated with illegal pesticides in violation of Federal Food, Drug and Cosmetic Act. Settled favorably while preemption motion pending.
- Represented a medical benefit plan and employer trustees in defense of a class action by ERISA plan members and out of network health care providers. The district court dismissed numerous claims, denied class certification of the claim for benefits, and granted summary judgment on all remaining claims in favor of our client defendants.
- Represented life insurers and financial advisors in defense of a class action alleging breach of contract, bad faith, and fraud involving the marketing and sale of "vanishing premium" insurance policies.
- Defended hotels against antitrust, fraud, and unfair business claims related to alleged kick-back schemes following changes to taxi-cab and ride-share regulations. Nominal settlements obtained after the court dismissed the bulk of the claims on successive motions to dismiss.
- Defended executives of biometric authentication company in securities fraud action brought by and on behalf of company shareholders and investors. Obtained favorable settlement with individual plaintiffs.
- Defended and resolved claims involving alleged noncompliance with consumer protection statutes, including California's Automatic Renewal Law (CARL) and the Yelp Law.

KEY CONTACTS



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