Class Action and Mass Tort Litigators with a Trial-Ready Reputation

When threatened with class action litigation – involving complex issues, thousands of potential plaintiffs, millions of dollars at stake and significant business implications – Weinberg Wheeler Hudgins Gunn & Dial is a go-to firm for clients across a broad range of industries. Our “Trial Ready” reputation sends a powerful, early message that our clients, including Fortune 100 companies, stand ready to try their class action case if not otherwise resolved.

Nationally ranked in U.S. News-Best Lawyers “Best Law Firms” for Mass Tort Litigation/Class Action, WWHGD has successfully defended, won and resolved highly complicated class actions alleging violations of state and federal law, product liability, breach of warranty, personal injury, deceptive trade practices, employment discrimination, fraud, false advertising, privacy and predatory lending, among others.

Defeating class actions in early motions, reducing potential exposure, leveraging favorable settlements with the threat of trial, overcoming target lawsuits by defeating companion regulatory proceedings and trying cases, many times to defense verdicts, are hallmarks of our class action team. The following is a representative list of cases we have handled on behalf of our clients:

**Select Experience:**

- Defended Subaru in a class action lawsuit alleging faulty odometers.
- Defended a major drywall supplier in the first contested Chinese drywall jury trial in the United States. Defended domestic suppliers of Chinese manufactured drywall that were major targets of thousands of claimants in cases pending in the Florida state courts.
- Plaintiff’s motion to remand denied in class action after WWHGD argued that plaintiff put at issue in excess of $5,000,000 jurisdictional amount under CAFA in their
complaint, even though plaintiff’s counsel were willing to stipulate to seeking lesser amount and attempted to withdraw claims in an effort to avoid litigating in federal court.

- Successfully defended national restaurant franchise in consumer class action in the Northern District of Virginia ("Rocket Docket") and Northern District of Georgia. Class actions ended after filing motions to dismiss.
- Defended the nation’s largest automotive retailer in class actions and lawsuits filed across the United States.
- Represented one of the nation’s largest industrial and construction suppliers in a class action involving defective piping products in Las Vegas, Nevada. The case lasted for 7 years and went up to the 9th Circuit. Attorneys for defendant twice defeated motions in front of MDL panel as it was advantageous to keep the case in Nevada.
- Defended numerous automobile manufacturers in more than 100 breach of warranty lawsuits filed in Georgia, Florida and other states, including trials, arbitrations and appeals.
- Defended the National Football League (NFL) against claims by former players that the NFL caused them to suffer over $10 million in investment losses.
- Defended more than 20 mining companies against thousands of claims in flood-related litigation. It is believed to be the largest mass tort litigation in West Virginia history. The personal injury and property damage allegations against all defendants exceeded $200 million.
- Defended domestic suppliers of Chinese manufactured drywall in the Multi-District Litigation (Eastern District of LA) involving numerous class actions and tens of thousands of plaintiffs. Prosecuted indemnity and other claims against foreign manufacturers.
- Defended well known national supplier of construction products in nationwide putative class action brought by building owners and condominium associations alleging the sale of defective piping product.
- Consulted on nationwide class action against manufacturer of construction products on behalf of owners of commercial real estate buildings.
- Defense of investment brokerage in National Association of Security Dealers arbitration brought by customer who had lost over $1 million in stock market.
- Defense of national service contract provider in regulatory enforcement proceedings and consumer litigation matters filed throughout the United States.
- Defended an international payment processor in lawsuits filed nationwide against claims involving breach of contract, business torts and alleged violations of federal law.
- Obtained a defense verdict in a class action lawsuit filed in Mississippi alleging claims of racial discrimination in hiring, promotion and termination.
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- Defended investment brokerage in NASD arbitration brought by customer who had lost more than $1 million in the stock market.
- Defense of hundreds of consumer mass tort actions filed throughout the United States in foodborne illness litigation.
- Defended the vacation club affiliate of a major hotel chain in a class action based on alleged misrepresentations to club members regarding cruise vacations purchased through a combination of membership points and cash payments.
- Obtained summary judgment in favor of a national restaurant chain in a class action alleging excess collection of sales tax for bottled water purchases.
- Successfully resolved a class action against an automobile insurer based on PIP payments made for MRI services.
- Defended two clients in the Tri-State Crematory federal class action stemming from the alleged improper disposal of 300 bodies. Three classes were certified with over 2,000 plaintiffs and 55 defendants. Our attorneys were on the Defense Steering Committee.
- Assisted in representing class actions in banking and financing industry, including mobile home financing and credit life insurance.
- Defended major fragrance company in class action of medical monitoring.
- Assisted in the defense of a mining company in a class action in Florida in which it was alleged that radioactive materials from the mines polluted the water system and caused a cluster of pediatric brain tumors.
- Defended a nationwide class of healthcare providers claiming breach of their PPO agreements.
- Brought in 6 weeks before trial in a certified class action case to defend Fortune 500 Company in claims related to misclassification of independent contractors.
- Defended class allegations of employment discrimination and harassment.
- Defended health information management company against claims involving alleged failure to pay minimum wage and unpaid overtime in violation of the Fair Labor Standards Act. Class involved approximately 6,000 employees nationwide.
- Defended automotive parts retailer in class action brought by store managers, assistant store managers, and outside sales representatives alleging that they were misclassified as exempt employees and that they were not paid overtime in violation of the Alaska Wage and Hour Act. The class involved approximately 80 employees.
- Defended major funeral service company in class action brought by groundskeeper alleging unpaid overtime in violation of Fair Labor Standards Act.
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- Defended major pharmacy in class action in which the bellwether plaintiff asserted Fair Labor Standards Act claims. Court dismissed the plaintiff’s claims and no other similar situated plaintiffs pursued claims in the region.
- Represented contractor in a case by a condominium which alleged that client improperly installed synthetic stucco on the exterior.
- Defended major state power company in class action that involved over 3,000 plaintiffs. Case involved the operation of Kerr Dam in Montana. Plaintiffs brought a class action suit for erosion and other damage to property due to alleged artificially high lake levels maintained by the power company that operated the dam. Favorable settlement for the power company was reached.
- Defended multiple consumer class actions for a large wireless carrier.
- Defended all members of the compensation committee of the board of directors of a publicly traded company against class action brought by shareholders alleging breach of fiduciary duty and seeking damages in connection with allegedly spring loaded stock options grants and excessive compensation.
- Extricated an international environmental engineering firm by way of a summary judgment from a state class action in New Orleans, Louisiana. The class was 8,000 present and former residents in a neighborhood that surrounded a chemical plant that was decommissioned and undergoing an environmental remediation.
- Defended consumer-facing company in contract-based consumer class actions.
- Defending client in TCPA class action in which plaintiff alleges they received unsolicited faxes in violation of the statute.
- Represented international hotel chain in Florida’s Deceptive and Unfair Trade Practices Act based class action involving hotel / timeshare rewards program.
- Handled class action seeking recovery of sales tax collected on bottled water sales in Florida.

Defeated Class Certification Examples:

- Defeated class certification in nationwide class action filed in Georgia against automobile manufacturer alleging breach of contract, false advertising and negligent marketing.
- Defended international engineering firm in a 2,000 member class action suit filed by the Lummi Nation for injuries allegedly suffered due to excavation of a Native American burial ground. Firm was successful in decertifying the class action in the Ninth Circuit.
- Defeated class certification in state court in Atlanta, Georgia on behalf of a nationally recognized hospital.
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- Defended a major package delivery company in a series of race discrimination cases brought by a would-be class, obtaining defense verdicts in each of the cases in which judgments were rendered. Attempts to establish and certify a class were defeated in the early phases of the litigation.
- Successfully resolved a would-be class action claim based on inadequate grounds for class certification. Action involved a major gas retailer/convenience store operator that allegedly provided notice of fees associated with use of its ATM machines.
- Defeated class certification related to Creutzfeldt - Jakob disease (mad cow disease).
- Assisted in the successful opposition to class certification in a case regarding employee benefits.
- Defended restaurant chain in Marietta, Georgia in would-be class action alleging violation of statutorily-mandated minimum wage standards. Plaintiff’s Motion to Certify a Collection Action Class was denied.
- Successfully defeated attempts to obtain class certification in several product liability, insurance coverage and health, and labor and employment cases.