

# Class Action Defense

## Practices and Industries

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### PRIMARY CONTACTS

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Our class action defense lawyers are set apart by their tenacity, creativity and exceptional track record. We are experienced defending all types of class action cases, including in the areas of consumer, securities, environmental, employment, healthcare, and antitrust. We have successfully litigated these types of cases in jurisdictions across the country, and against the most prominent plaintiffs' class action firms in the nation.

#### Our Approach

We do not sit back and let the plaintiffs dictate in class action cases. We go on the offensive, subjecting these lawsuits to withering attack from day one, before any discovery has taken place. We are experienced in the unique procedures and defenses available in class actions, and employ every tool in our arsenal in an effort to secure an early dismissal, a denial of class certification or summary judgment. At all times, we are methodical and strategic in our approach so that our resources are deployed in a cost-effective manner consistent with our clients' business goals.

#### Our Winning Record

Our confidence in our approach is derived from our history of success. We have scored major victories in class action lawsuits for clients, including, most recently, winning a denial of class certification and subsequent federal jury trial for the National Football League in a consumer case brought by ticketholders to Super Bowl XLV; a denial of class certification and voluntary dismissal for BP Products North America in an air emissions case involving one of its former oil refineries; and a denial of class certification and voluntary dismissal in a case involving the collapse of a \$2.5 billion hedge fund. These cases are a few among the numerous favorable decisions we have earned for our clients in the recent past, including:

#### *Dismissal Opinions*

- *Finkelman v. National Football League* (D.N.J. 2015)
- *In re Kosmos Energy Ltd. Sec. Litig.*, 955 F. Supp. 2d 658 (N.D. Tex. 2013)
- *In re Parkcentral Global Litig.*, 884 F. Supp. 2d 464 (N.D. Tex. 2012)
- *Simms v. Jones*, 879 F. Supp. 2d 595 (N.D. Tex. 2012)
- *Bell v. American Traffic Solutions, Inc.*, 633 F. Supp. 2d 305 (N.D. Tex. 2009)
- *Pedroli v. Bartek*, 564 F. Supp.2d 683 (E.D. Tex. 2008)
- *Energytec, Inc. v. Proctor*, 516 F.Supp.2d 660 (N.D. Tex. 2007)
- *Harrison v. Christus St. Patrick Hospital*, 430 F. Supp. 2d 591 (W.D. La. 2006)
- *Krim v. pcOrder.com, Inc.*, 402 F.3d 489 (5th Cir. 2005)
- *In re Alamosa Holdings, Inc. Sec. Litig.*, 382 F. Supp. 2d 832 (N.D. Tex. Mar. 28, 2005)
- *Krim v. pcOrder.com, Inc.*, 2003 WL 21076787 (W.D. Tex. May 5, 2003)
- *Berger v. Beletic*, 248 F. Supp. 2d 597 (N.D. Tex. 2003)
- *In re Capstead Mortgage Corp. Sec. Litig.*, 258 F. Supp. 2d 533 (N.D. Tex. 2003)

- *Alcina v. pcOrder.com, Inc.*, 230 F. Supp. 2d 732 (W.D. Tex. 2002)
- *Special Situations Fund III, L.L.P. v. ViaGrafix Corp.*, 2001 WL 182666 (N.D. Tex. Jan. 22, 2001)

## ***Denials of Class Certification***

- *In re Parkcentral Global Litig.*, 2014 U.S. Dist. LEXIS 121571 (N.D. Tex. Aug. 25, 2014)
- *Cannon v. BP Products N. America, Inc.*, 2013 WL 5514284 (S.D. Tex. Sept. 30, 2013)
- *Simms v. Jones*, 296 F.R.D. 485 (N.D. Tex. 2013)
- *Walker v. Alta Colleges, Inc.*, 2010 WL 11200636 (W.D. Tex. Dec. 29, 2010)
- *Umsted v. Intellect Communications, Inc.*, 2003 WL 79750 (N.D. Tex. Jan. 7, 2003)
- *Kase v. Salomon Smith Barney, Inc.*, 218 F.R.D. 149 (S.D. Tex. 2003)
- *Krim v. pcOrder.com, Inc.*, 210 F.R.D. 581 (W.D. Tex. 2002)