

M.C. Sungaila in Daily Journal: Class Action Can Survive If Name Plaintiff Says No

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PRACTICES Class Action Defense, Litigation

A class action is not considered moot even if the defendants offer to settle with the name plaintiff for the full amount allowable under law, the U.S. Supreme Court ruled Wednesday.

The divided affirmance follows a broadly discussed ruling by a Central District judge who, on summary judgment, rendered moot a proposed class action accusing a contractor for the U.S. Navy of sending unsolicited, irrelevant text messages...

"[The decision] may have taken an arrow out of the quiver for class action defendants, but it has not thoroughly disarmed them," said M.C. Sungaila, a Costa Mesa-based partner and class action defense lawyer with Haynes Boone LLP who is not involved in the case.

"The case might have come out differently if the defendant had deposited the offered amount with the district court in a dedicated account. A defendant who does that may well end up presenting that next incremental issue in this area to the Supreme Court," she added.

Excerpted from the *Daily Journal*. To read the full article, click [here](#) (subscription required).