

## Class Action Defense

Class action litigation has exploded in recent years. Aggrieved plaintiffs routinely transform their individual claims into class claims, magnifying even seemingly trivial complaints into ones that cannot be ignored. This trend, combined with plaintiffs' lawyers' affection for Louisiana courts, presents unique and continuing challenges to the business community. We help meet that challenge with an exclusively defense-oriented class action practice.

Jones Walker's interdisciplinary class action practice group has successfully defended a broad spectrum of claims most typically asserted in class actions:

- Antitrust
- Business & Commercial Litigation
- Energy
- Environmental & Toxic Torts
- Employee Benefits, ERISA & Executive Compensation
- Labor & Employment
- Products Liability
- Telecommunications & Utilities

We have defended almost 100 class action lawsuits in recent years. Our experience includes state-only and nationwide classes, as well as multi-district litigation.

The strategy we employ in each case, of course, depends upon the unique facts of each but is always designed to seek an early resolution in the most appropriate forum, be it state or federal. We have been successful in aggressively removing cases to federal court. When competing class actions are filed around the country in federal courts, we seek consolidation for multi-district litigation where it is appropriate.

We have filed early motions to dismiss before class certification is ever addressed. *E.g.*, *In re Air Bag Prods. Liab. Litig.*, 7 F. Supp.2d 792 (E.D. La. 1998) (MDL No. 1181) (Jones Walker was defendants' liaison counsel). In other situations not readily susceptible to motions to dismiss, we have aggressively prepared for class certification hearings, succeeded in limiting discovery to class issues only, and ultimately defeated certification. Two recent examples are *Maldonado v. Ochsner Clinic Foundation*, 493 F.3d 521

(5th Cir. 2007) and *Cole v. General Motors Corp.*, 484 F.3d 717 (5th Cir. 2007). Where appropriate, however, we have negotiated class settlements, and guided the settlements through the court approval and notice procedures.

Our practice group has worked with the Louisiana legislature to accomplish class action reform, including the significant revisions in 1997 to Louisiana's class action law. One of our practice area members, Chuck McMains, is a former member of the Louisiana House of Representatives. During his tenure, Mr. McMains authored legislation completely revising Louisiana's class action articles, which incorporated much of Federal Rule 23 as well as other provisions designed to curb abuse of class actions. He was also the author of legislation repealing punitive damages, joint and several liability, strict liability, and the medical monitoring remedy.

