



**TUCKER ELLIS & WEST**

## **CLASS ACTION LITIGATION**

### **NATURE OF PRACTICE**

The trial lawyers at Tucker Ellis & West have extensive backgrounds in class action litigation in jurisdictions throughout the United States. We resolve class action disputes that corporate clients face with consumers, competitors, suppliers, investors, shareholders, and regulators. Our class action practice reaches across the major substantive areas of the law, including antitrust, securities, business tort, consumer finance, consumer fraud, contract, insurance, product liability, and other fields. For any type of high-stakes class action dispute, corporate clients and their in-house counsel can be assured that we have lawyers with the right skills and experience to defend their case.

Our team approach to our client matters and our use of technology and litigation management techniques make our work on class action matters more efficient than many clients are accustomed to. While we do not advocate a one size fits all approach, we can call on our years of experience to not only help our clients resolve cases to their satisfaction and in conformance with their goals, but to help them do so in a cost effective manner. Also, our lawyers commonly work in "virtual law firms" with other firms around the country to bring our clients the best people for the task at hand, and to coordinate a consistent defense across jurisdictions.

### **FEE ARRANGEMENTS**

Tucker Ellis & West is a leader in alternative fee arrangements. Our firm is designed to promote efficiency and to manage costs by doing away with the incentive to merely "bill time." Our attorneys and paralegals know they will not be compensated based on the number of hours they bill, but rather on the number of accomplishments they achieve for our clients. It is for this reason that so many of our clients have begun to accept our fixed fee proposals, as opposed to hourly rates. Under such arrangements, our clients can create solid budgets because they know their "spend" in advance, and can plan accordingly. At the same time, our clients are comfortable that we will do whatever it takes to achieve the desired result, for that is how we measure "value" at TEW, and that is how our attorneys are compensated.

We are comfortable working with a variety of billing structures and would be pleased to discuss volume-based rate concessions and alternative billing methods. We believe billing structures and fee arrangements are an important way to develop true partnering relationships with our clients.

## REPRESENTATIVE ENGAGEMENTS

- Representation of national retailers in consumer class actions involving gift certificates, return policies on merchandise, truncation of credit card receipts, and false advertising.
- Representation of national clothing retailers in consumer class actions alleging their employment applications violated a statute prohibiting inquiry on prior misdemeanor drug convictions.
- Representation of a nationwide retailer/rental agency in a consumer class action alleging violations of state consumer protection actions regarding pricing, rates, and discounting.
- Representation of a banking association and its independent contractors/service providers in a case alleging violations of federal consumer statutes on credit transactions and alleged fraudulent practices.
- Representation of a generic drug manufacturer in a class action asserting claims for breach of implied warranty of merchantability, fraudulent concealment, and unfair business practices under California Business and Professions Code section 17200.
- Representation of a manufacturer/installer of heating and air conditioning equipment in a state-wide class action.
- Representation of large retailers against employment class actions that included allegations of unfair competition and/or unfair business practice claims in addition to underlying misclassification or unpaid overtime claims.
- Representation of several consumer class actions under Ohio's Consumer Sales Practices Act, the Magnusson-Moss warranty act, and Ohio's deceptive trade practices act, as well as common law fraud claims. We have also argued several consumer issues in Ohio appellate courts.
- Representation of a national banking institution in a consumer class action arising from a credit card protection offer.
- Representation of a generic drug manufacturer in ongoing consumer class actions nationwide in both state and federal courts.
- Representation of a large consumer products company in an anti-wrinkle/anti-aging cream product line in a class action asserting claims for violations of the Consumer Legal Remedies Act, the False Advertising Law, and unfair business practices.