



Mealey's Litigation Report: Class Actions provides in-depth coverage of litigation, including consumer law, employment law, securities litigation and tech-related disputes. Get the latest on the Class Action Fairness Act (CAFA), jurisdictional disputes, class definitions, class certification challenges, new complaints, rulings, settlements, trials, verdicts, appeals and more.

Litigation Snapshot

Employment-related litigation, including wage-and-hour and discrimination class suits, has not been slowed down by the U.S. Supreme Court's decision in Wal-Mart v. Dukes (131 S. Ct. 2541 [2011]). Class claims, including those filed under the Telephone Consumer Protection Act, were given a boost in January when the U.S. Supreme Court resolved a circuit split and decided that an unaccepted offer to settle a lead plaintiff's individual claims does not moot the complaint. Ongoing data breaches are resulting in class claims by both individuals and banking institutions. And parties continue to clash over the impact of the Class Action Fairness Act on jurisdiction.

Areas Of Coverage

- » New complaints
- » Settlements and verdicts
- » Class certification rulings
- » Attorney fees
- » Notice plans
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- » Fairness hearings
- » Trial news
- » Expert testimony
- » Claim filing procedures
- » Insurance coverage

Who Needs To Know

- » Plaintiff and defense attorneys handling class action and multiparty litigation
- » Corporate counsel handling class action litigation
- » Counsel at insurance and reinsurance companies
- » Judges and court staff across the entire U.S. federal judiciary

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Lexis® Legal News

MEALEY'S CLASS ACTIONS

High Court Appeals

Split High Court Remands Fair Credit Reporting Act Suit For 'Concreteness' Finding

WASHINGTON, D.C. — A U.S. Supreme Court majority on May 16 reversed a ruling by the Ninth Circuit U.S. Court of Appeals related to class claims against an online data aggregator under the Fair Credit Reporting Act (FCRA), finding that although the appeals court considered whether a lead plaintiff alleged an injury in fact that was sufficiently particularized to establish standing under Article III of the U.S. Constitution, the court did not properly weight the claims' concreteness under the act (Spokeo, Inc. v. Thomas Robins, et al., No. 13-1339, U.S. Sup., 2016 U.S. LEXIS 3046).

High Court: Securities Claims Not Preempted From Being Brought In State Court

WASHINGTON, D.C. — The jurisdictional test established by Section 27 of the Securities Exchange Act of 1934 does not preempt certain federal securities law claims from being brought in state court, the U.S. Supreme Court unanimously ruled on May 16 in affirming a federal circuit court's ruling in a fraudulent naked short-selling scheme (Merrill Lynch, Pierce, Fenner & Smith Inc., et al. v. Greg Manning, et al., No. 14-1132, U.S. Sup.).

Google Argues For Certiorari To Determine Class Damage Calculations In AdWords Suit

WASHINGTON, D.C. — In a May 16 reply brief supporting its petition for certiorari, Google Inc. argues that the U.S. Supreme Court needs to review an underlying grant of class certification in a suit over Google's AdWords program brought under California's unfair competition law (UCL) and false advertising law (FAL), to resolve a circuit split over whether individual damage calculations in class actions can be calculated using generalized proof (Google Inc. v. Pulaski & Middleman LLC, et al., No. 15-1101, U.S. Sup.).

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Mealey's Class Actions

May 19, 2016
VTech Data Breach Plaintiffs Oppose Dismissal Of Suit Sounding In Contract
CHICAGO — A group of lead plaintiffs argue in a May 18 brief that their putative class claims related to the breach of a digital smart toys maker's website should not be dismissed, telling an Illinois federal court that they properly alleged contractual claims based on the defendant's failure to keep their personally identifiable information (PII) secure (In re VTech Data Breach Litigation, No. 1:15-cv-10889, N.D. Ill.).

May 19, 2016
Kansas Federal Judge Denies Settlement In FLSA Class Action
KANساس CITY, Kan. — A Kansas federal judge on May 16 denied the motions of a Domino's pizza delivery driver to approve a proposed \$132,000 settlement in a Fair Labor Standards Act (FLSA) collective action and award attorney fees and costs (Kenneth Hoffman, et al. v. Poulosen Pizza LLC, et al., No. 15-2640, D. Kan., 2016 U.S. Dist. LEXIS 64818).

May 19, 2016
Target Settlement With Banks In Data Breach Suit Granted Final Approval
MINNEAPOLIS — A Minnesota federal judge on May 12 granted final approval of a settlement between Target Corp. and a class of banks and financial institutions (FIs, collectively) in a suit over a massive 2013 data breach (In re: Target Corporation Customer Data Security Breach Litigation, No. 14-2522, D. Minn., 2016 U.S. Dist. LEXIS 63125).

May 19, 2016
2nd Circuit Vacates Dismissal Of Class Suit Alleging Overcharging For Records
NEW YORK — A Second Circuit U.S. Court of Appeals panel on May 10 vacated a trial court's dismissal of a class suit accusing three hospitals and their agent of overcharging for copies of medical records in violation of New York Public Health Law Section 18(2)(f) and (3) (Mansara Carter, et al. v. HealthPort Technologies, LLC, et al., No. 15-1072, 2nd Cir., 2016 U.S. App. LEXIS 8565).

May 19, 2016
Mars Inc. Accused Of Deceptively Packaging Rice In Oversized Box
OAKLAND, Calif. — A California man and New York woman filed a class complaint on May 17, accusing Mars Inc. of deceptively packaging its Uncle Ben's rice products in boxes containing up to 50 percent empty space to make buyers think they are getting a better value (Eric Lantzenao-Ray, et al. v. Mars, Inc., No. 15-2690, N.D. Calif.).

May 19, 2016
11th Circuit Upholds Partial Class Certification In GM Safety Ratings Suit
ATLANTA — A trial court did not err when it partially granted a motion for class certification filed by two Cadillac owners who allege that General Motors Co. (GM) violated various laws when it used false safety rating stickers on the windows of certain sedans, the 11th Circuit U.S. Court of Appeals ruled May 17 (Gen Siano Camueto, et al. v. General Motors Company, No. 15-14442, 11th Cir., 2016 U.S. App. LEXIS 8562).

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Google Argues For Certiorari To Determine Class Damage Calculations In AdWords Suit

Mealey's (May 16, 2016, 8:38 AM ET) — WASHINGTON, D.C. — In a May 16 reply brief supporting its petition for certiorari, Google Inc. argues that the U.S. Supreme Court needs to review an underlying grant of class certification in a suit over Google's AdWords program brought under California's unfair competition law (UCL) and false advertising law (FAL), to resolve a circuit split over whether individual damage calculations in class actions can be calculated using generalized proof (Google Inc. v. Pulaski & Middleman LLC, et al., No. 15-1101, U.S. Sup.).

(Reply supporting certiorari available: Document #24-160519-043B)

Putative Class

In July 2009, Google was sued in the U.S. District Court for the Northern District of California by four former participants in the AdWords program, headed up by law firm Pulaski & Middleman LLC (Pulaski), collectively. In AdWords, advertisers can bid on certain words that Google users use as search query terms. Thereafter, sponsors' advertisements will appear on search feed pages alongside search results for such queries. Options in the AdWords program and the related AdSense program allow for the display of participants' advertisements in other contexts, including on full content sites that publish information independent of search results, pages for parked domains that are currently owned but undeveloped, or an error pages that users receive in response to entering faulty URLs into their Web browsers. Participants generally are charged by Google for each "click" on their ad by an Internet user.

Pulaski charged Google with deceptive advertising and unfair, deceptive and unlawful business practices regarding AdWords under the UCL (California Business and Professions

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