Class Actions and Mass Torts



OVERVIEW

Class actions come in myriad consumer and commercial disputes. Our clients rely on our experience defending all manner of putative class action claims.

We have represented clients in a wide spectrum of cases, including:

- Statewide and nationwide claims
- Direct and indirect purchaser antitrust actions
- Natural resources royalty disputes
- Product liability actions
- Insurance actions
- Securities and consumer claims
- Civil rights actions

Our first and primary goal is to prevent a class from being certified.

EXPERIENCE

- Successfully defended class claims involving contention that arbitration agreement's provision precluding class actions violated New Mexico law. *Herrera v. JD Byrider, 2nd Judicial District of New Mexico, (Case No. D-202-CV-2010-13570)*
- Obtained dismissal of a class action claim against a car dealership pursuant to the New Mexico Service Contract Regulation Act
- Served as counsel for insurers in numerous separate class actions, all pled as nationwide class actions. The cases related to insurers' practices of offering insureds the option of paying insurance premiums more frequently than annually at an increased cost. Our lawyers acted both as primary and local counsel in these cases. In most of these cases, we successfully prevented class certification, often achieving dismissal of the case with no payment to plaintiffs' attorneys, named plaintiffs or putative class members.
- Represented a major grocery store chain in litigation involving food-borne illness. The litigation was unusually complex and procedurally challenging because cases were heard in both state and federal district courts in multiple states across the

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country.

- Handled consumer class cases alleging unfair debt collection practices in New Mexico, Texas, Utah and Washington
- Represented manufacturers of spinal implant systems (rods and pedicle screws), latex gloves, diet drugs, cholesterol-lowering drugs, and gastro-esophageal reflux medications in individual and class action cases in New Mexico state and federal courts, as well as in federal multidistrict litigation. These cases typically involve claims under New Mexico common law for products liability including, more recently, claims for medical monitoring to watch for future symptoms; the latter are typically pled as class actions.
- Represented the manufacturer of a radiant floor heating product in a state class action which was the first case in New Mexico history in which the Court of Appeals accepted the appeal of a certification order under a recently adopted rule of civil procedure
- Defended or currently defending natural gas producers against claims of underpayment of royalty. As lead counsel, we recently tried a class action royalty case involving more than 3,000 class members in the State Court in Durango, Colorado. We also defeated class certification and obtained summary judgment for our client in a recent royalty case in State Court in Santa Fe, New Mexico, and defended a class action in federal court involving a class of several thousand royalty payees.
- Defeated class certification in a putative class action case against the operators of Coronado Center, a large regional shopping center in Albuquerque, New Mexico, brought by individuals alleging civil rights violations
- Represent local school districts on proposed civil rights class action cases brought by students
- Successfully represented pharmaceutical companies in actions brought by the New Mexico Attorney General's office for alleged violations of the UPA and FATA. These actions are very similar to class actions in that the AG files actions on behalf of New Mexico consumers/purchasers.
- Currently handling multi-district litigation (MDL) medical device cases in New Mexico, Arizona, and Wyoming
- Defending a loan company in a purported class involving alleged improper disclosure in consumer lending case
- Defending insurer in class case involving uninsured motorist coverage
- Defending the City of Belen against class claiming civil rights violations due to alleged failure to receive timely probable cause hearings
- Provided defense of bank against purported class claim involving mortgage foreclosure expenses
- Defeated class certification in case involving uninsured motorist coverage
- Defended an employer in discrimination class case brought by Equal Employment Opportunity Commission
- Defended an insurer in class action alleging improper denials of coverage based on cancellations notices in the Creek County District Court, State of Oklahoma
- Defended a Medicaid provider in a case involving class claiming improper pharmaceutical reimbursements
- Defended a shopping mall against purported class claims involving race discrimination
- Defended a prison medical services provider against class claiming civil rights violations due to alleged deficient mental health services

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