

## Class Action Defense

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**Provides consulting and litigation services to corporations in complex commercial class action litigation.**

### Overview

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Post & Schell's Class Action Defense Group provides consulting and litigation services to corporations in complex commercial class action litigation. Class actions can threaten entity survival with very large potential damages and they can be extremely costly to defend. Our professionals understand the defense strategies required to minimize both exposure and defense costs, including:

- Pre-certification dispositive motion practice
- Pre-certification expert evidentiary challenges
- Decertification efforts
- Intermediate appellate review of class certification rulings
- Exploration of favorable settlement before and after certification.

We work closely with clients to develop appropriate defenses and litigation strategies. We also review existing corporate policies and assist our clients in implementing new policies that are intended to avert disputes, including class action litigation.

Our Class Action Defense attorneys regularly provide advice, counsel, and representation in a wide array of issues, including:

- Via our **Data Privacy and Cybersecurity Complex Litigation Practice Group**, we counsel and defend clients facing class actions related to data and cyber breaches, insufficient disclosures, and access of Personally Identifiable Information (PII) by third parties.
- Proactive defense strategy determined early in consultation with the client to assert applicable defenses, challenges to certification, decertification strategies, and dispositive motions.
- Detailed and carefully targeted investigation and discovery to support class action defenses.
- Removal of state court class actions to federal court if appropriate, incorporating the heightened standards of the Class Action Fairness Act of 2005 which expanded potential federal jurisdiction.
- Opposition to class certification in evidentiary hearings through the presentation of fact and expert witness testimony and evidence, including effective briefing and oral arguments to defeat certification or, alternatively, to limit class claims and class size.
- Interlocutory appeals of federal and state court class certification determinations.
- Determination of and retention of experienced and appropriate trial and consulting experts to support defenses and provide persuasive opinion testimony at hearings or trial.
- E-discovery challenges; data privacy and security breaches, including violations of federal and state data protection laws.
- Recovery from third parties addressed through joinder practice or savings actions.
- "Follow-on" litigation to government enforcement actions.
- Defense strategies designed to maximize the potential for favorable settlements recognizing that many class action cases settle.
- ADR where appropriate to reduce litigation expense.