

Class Action Defense & Multi-District Litigation

Class action litigation has dramatically increased 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 attorneys have 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 nearly 100 class action lawsuits in recent years. Our experience includes state-only and nationwide classes, as well as multi-district litigation.

Presently, Jones Walker is representing several defendants named in the *In re FEMA Formaldehyde Litigation*, No. 07-MDL-1873, a large scale multi-district proceeding pending before Judge Kurt Engelhardt of the U.S.D.C. for the Eastern District of Louisiana. The litigation includes claims by approximately 30,000 individual claimants. Jones Walker's trial team includes lawyers who have been appointed by the Court to the defense steering committee, and who are actively involved in working with the defense liaison counsel to coordinate the litigation. Through its representation of multiple defendants, our team has played an active role in managing the litigation.

Our strategy we employ in each case is determined by the unique facts of

each case, but is always designed to seek an early resolution in the most appropriate forum, whether 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 to use multi-district litigation as 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), where Jones Walker served as defendants' liaison counsel. In other situations not readily susceptible to motions to dismiss, we have aggressively prepared for class certification hearings, have succeeded in limiting discovery to class issues only, and have 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 attorneys have worked with the Louisiana State Legislature to accomplish class action reform, including the significant revisions in 1997 to Louisiana's class action law. Special counsel F. Charles McMains, Jr. 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 also authored the legislation repealing punitive damages, joint and several liability, strict liability, and the medical monitoring remedy.