

RELATED SERVICES

Business

- Automotive
- Electronic Discovery + Records Management
- Employment + Labor

Litigation + Trial

- Appeals
- Business Torts
- Commercial Transactions Litigation
- Consumer Product Safety + Regulation
- Criminal Defense
- Electronic Discovery + Records Management
- Employment + Labor
- Environmental Litigation
- Government Liability
- Health Law Litigation + Disputes
- Litigation + Trial Practice Overview
- Product Related Litigation
- Securities Litigation
- Sports, Entertainment + Multimedia Litigation
- Utilities

Governments + Nonprofits

- Electronic Discovery + Records Management
- Employment + Labor

Class + Collective Actions

Miller Canfield lawyers have extensive experience handling class and collective actions in federal and state courts from coast to coast, and in arbitration. We have resolved a wide variety of matters involving securities; consumer protection; antitrust; labor, benefit and employment; and constitutional and statutory issues. We know how to navigate the complex procedural and strategic issues and work closely with our clients and other counsel to conclude these matters effectively and efficiently.

Trial Ready

Miller Canfield lawyers include some of the most experienced “bet the company” trial lawyers in the country. While many class actions settle after discovery and motion practice, we know how to take large cases to trial, and regularly do so. We know what it takes to present complicated factual issues to a jury. We use the latest trial presentation techniques, work with experienced jury consultants, and work with our clients to retain experts who can handle themselves at trial. Trial preparedness produces negotiating strength.

Comprehensive Document Management

Document retention, retrieval and production pose some of the greatest challenges in large complex cases, and can involve considerable expense. Miller Canfield class action lawyers work with a team of attorneys and legal assistants with deep experience in corporate document and discovery management. We do the job right, and at reasonable cost.

REPRESENTATIVE MATTERS

- **Antitrust - Chemical Company**
We represented a chemical company in defense of price fixing allegations against suppliers of a food additive on behalf of proposed indirect purchaser class under state antitrust law. The matter is settled.
- **Antitrust - Chemical Company**
Miller Canfield represented a chemical company in defense of allegations that suppliers of bulk vitamins had conspired to fix prices. The claims were brought on behalf of a proposed indirect purchaser class under state antitrust law. The matter was

dismissed by stipulation without prejudice.

- **Antitrust - Dry Cleaning Retailers**
Miller Canfield represented a plaintiff class of retail dry cleaners pursuing antitrust claims against supply wholesalers convicted of price fixing. The matter was successfully settled.
 - **Antitrust - Electronics Retailer**
Miller Canfield represented an electronics retailer in two class actions, one by electronics distributors against manufacturers, and the other by individuals against electronics distributors and manufacturers. The matters are settled.
 - **Antitrust - Podiatry Association**
Miller Canfield represented a plaintiff class of podiatrists alleging a conspiracy between a major insurer and physicians to limit reimbursements to podiatrists. The matter was settled.
 - **Antitrust - Prescription Drug Manufacturer**
Miller Canfield represented a leading brand-name prescription drug manufacturer in defense of claims in an MDL proceeding in the Northern District of Illinois on behalf of a putative national class of drug retailers. Plaintiffs alleged that a number of pharmaceutical manufacturers conspired to fix the wholesale prices of brand-name prescription drugs. The matter was settled. We also represented our client in defense of claims by an indirect purchaser class under state law. This matter is also settled.
 - **Consumer Protection - Automotive Lender**
Miller Canfield represents an automotive lender in a class action in Maryland state court involving allegations that an auto dealer charged illegal and deceptive fees for title, tags and registration, in connection with loans assigned to the lender. Pending.
 - **Consumer Protection - Automotive Lender**
Miller Canfield represented a lender in defense of a class action involving alleged defective post-repossession notices. The Maryland trial court dismissed the complaint and the state court of appeals upheld the dismissal.
 - **Consumer Protection - Automotive Lender**
Miller Canfield represented a lender in a putative class action involving procedures related to bankruptcy reaffirmation agreements. The federal district court dismissed the complaint on our motion and the U.S. Court of Appeals affirmed.
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- Consumer Protection - Automotive Lender
Represented a lender in defense of class allegations with respect to disclosures in lease forms. The circuit court dismissed the claims on our motion.
- Consumer Protection - Automotive Lender
Represented a lender in a class action in Maryland state court involving the allegation that lease late fees were unlawful. The trial court dismissed the complaint. The state Court of Special Appeals affirmed but the state Court of Appeals remanded on a procedural issue. The matter was settled.
- Consumer Protection - Automotive lender
Represented a lender in defense of class claims of consumer fraud related to lease sales. Plaintiff voluntarily dismissed.
- Consumer Protection - Body Armor Manufacturer
Represented a body armor manufacturer in defense of breach of warranty, negligence, fraud and other claims in multiple jurisdictions including Arizona, Arkansas, California, Illinois, Massachusetts, Michigan, Minnesota, New Jersey, Ohio and Oklahoma. The claims involved concealable body armor voluntarily made subject to a warranty adjustment program after the manufacturer of component fiber provided questionable performance test results. The client filed a petition for bankruptcy and the matter was transferred to another firm to handle the bankruptcy.
- Consumer Protection - Cellular Service Provider
Represented a cell phone carrier in defense of a claim that certain charges were inadequately disclosed, and seeking more than \$200 million in damages under the Consumer Protection Act. The matter was settled.
- Consumer Protection - Computer Manufacturer
Represented a computer manufacturer in defense of a putative class action to recover damages resulting from allegedly defective computer hard disk drives. The case was dismissed on our motion.
- Consumer Protection - Cruise Line
We represented a cruise line in defense of a putative class action alleging that it improperly assessed its customers with "port charges" that in fact covered matters unrelated to such charges. The case was dismissed without prejudice when plaintiffs failed to

respond to a motion to dismiss.

- **Consumer Protection - Drug Store Chain**
A major drug store chain retained Miller Canfield to represent it in defense of putative class actions in Michigan and West Virginia alleging that our client and other pharmacies violated state statutes regulating pricing of substituted generic prescription drugs sold to retail purchasers. All cases are the subject of motions to dismiss for failure to comply with pleading requirements and to state a claim upon which relief can be granted. Pending.
 - **Consumer Protection - Electronics Manufacturer**
A leading manufacturer of consumer electronics retained Miller Canfield to represent it in defense of claims that the manufacturer misrepresented the specifications of television displays. Pending.
 - **Consumer Protection - Hospital System**
Miller Canfield defended a hospital system against allegations that its charges for providing medical records in response to subpoenas were excessive, in violation of the Consumer Protection Act and Patients' Bill of Rights. The Michigan Supreme Court held as a matter of first impression that the Consumer Protection Act does not apply to purchases that are primarily for business purposes, and that such subpoenas were primarily for the business purposes of the patients' attorneys. The class action complaint was dismissed on our motion.
 - **Consumer Protection - Mortgage Lender**
Represented a mortgage lender in defense of class claims in two matters challenging prepayment penalties in residential mortgage loans under usury statute and Consumer Protection Act. Both cases were settled after an appeal to the Michigan Court of Appeals.
 - **Consumer Protection - Nutritional Supplement Manufacturer**
We represented a leading manufacturer of nutritional supplements in defense of duplicative, putative class actions involving claims on behalf of purchasers of an herbal supplement. We settled one group of cases before the district court ruled on class certification. The court ultimately stayed the other cases and transferred them to Bankruptcy Court.
 - **Consumer Protection - Trade School**
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Represented a proprietary trade school in defense of a class action alleging fraud in recruitment of students. The matter was settled by other counsel.

- Consumer Protection - Window Manufacturer
A national window manufacturer retained Miller Canfield to defend a putative class action alleging fraud in the sale and pricing of replacement windows. The state trial court enforced arbitration clauses in the purchase agreements and dismissed the complaint. Several claimants then filed a demand for class arbitration. After the arbitrator denied claimants' motion to certify a class, the court confirmed the award, and claimants dismissed their claims with prejudice.
 - Governmental, Constitutional and Statutory Issues - Casino
Miller Canfield represented a casino in defense of race discrimination claims. The case was settled after plaintiffs dropped class action allegations.
 - Governmental, Constitutional and Statutory Issues - Municipality
Miller Canfield represented a County in a case involving the collection of research fees charged by the Register of Deeds. The case was settled.
 - Governmental, Constitutional and Statutory Issues - Municipality
We represented a county in defense of a challenge to the county's collection of a real estate transfer tax. The case was settled.
 - Governmental, Constitutional and Statutory Issues - Municipality
We represented a county drain commissioner in defense of a claim that a fee charged by the drain commission was unconstitutional. The complaint was dismissed on our motion.
 - Governmental, Constitutional and Statutory Issues - Municipality
Miller Canfield represented a county in a case involving the alleged collection of fees improperly charged against persons conducting business with the Register of Deeds. The trial court dismissed on our motion.
 - Governmental, Constitutional and Statutory Issues - Municipality
We represented a county in a putative class action involving the collection of fees charged by all county agencies. Settled.
 - Governmental, Constitutional and Statutory Issues - School District
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We represented a major urban school district in defense of claims by a putative class of taxpayers seeking to recover in excess of \$100 million in payments on a non-homestead property tax that had expired. The circuit court dismissed the claims as beyond its jurisdiction and the Court of Appeals affirmed. The Michigan Tax Tribunal then dismissed the claims as untimely, but the Court of Appeals reversed. The Michigan Supreme Court granted our application for leave to appeal and reversed, dismissing the claims.

- Governmental, Constitutional and Statutory Issues - School District
Miller Canfield represented defendants in a test case challenging legislation mandating a new governance system for Detroit Public Schools. The district court granted summary judgment in favor of defendants, the Sixth Circuit affirmed, and the U.S. Supreme Court denied *certiorari*.
- Governmental, Constitutional and Statutory Issues - School District
Miller Canfield represented defendants in defense of Fifth and Fourteenth Amendment claims based on alleged environmental violations and pupils' exposure to same. The case was settled.
- Governmental, Constitutional and Statutory Issues - School District
Miller Canfield represented a major city public school system in defense of a putative class action on behalf of elementary school students allegedly exposed to asbestos dust in connection with the demolition of an adjacent building owned by the school system. The matter was settled.
- Governmental, Constitutional and Statutory Issues - State Government
Miller Canfield, with the state Attorney General, represented a State in defense of a class action alleging violation of the constitutional and statutory rights of children in the State's foster care system. The case settled four days before the class action trial was scheduled to begin. The settlement resulted in the appointment of a monitoring team to work with the parties to advance the goals of the settlement agreement.
- Labor, Benefit + Employment - Aerospace Manufacturer

After a major aerospace manufacturer notified union retirees that their health insurance deductibles and co-payments were increasing, they filed suit in the Eastern District of Michigan alleging that their benefits had vested when they retired. A different group of retirees filed a mirror-image lawsuit in the Middle District of Tennessee and the union dismissed the first lawsuit. The following day, we filed a declaratory judgment action in Northern District of Illinois, the company's home district and commenced discovery. The cases were consolidated the Northern District of Illinois, which granted our motion for summary judgment.

- Labor, Benefit + Employment - Auto Manufacturer
Miller Canfield represented an auto manufacturer in defense of sex harassment claims on behalf of a putative employee class. The case was settled.
- Labor, Benefit + Employment - Clothing Manufacturer
We represented a clothing manufacturer in defense of claims under ERISA and Section 301 of the Labor Management Act regarding union retiree insurance benefits. The matter is settled.
- Labor, Benefit + Employment - Clothing Retailer
Miller Canfield represented a clothing retail chain in defense of a purported class action involving race discrimination claims. The case settled after the court declined to certify a class.
- Labor, Benefit + Employment - Electric Utility
An electric utility retained Miller Canfield to defend a putative class action in the Eastern District of Wisconsin challenging a decision to charge early union retirees more than active employees for health coverage. Plaintiffs, a union and four employees, alleged that a series of collective bargaining agreements obligated the company to provide vested insurance benefits to early retirees on the same terms as active employees. The court granted our motion for summary judgment, finding that language in the summary plan descriptions reserved the unilateral right to change benefits. The court also agreed that, at best, plaintiffs enjoyed a right to coverage parity with active employees, not cost parity.
- Labor, Benefit + Employment - Electric Utility

A group of 383 employees sued alleging that, although classified as exempt, they were actually non-exempt employees under the Fair Labor Standards Act (“FLSA”) and therefore had been improperly denied overtime compensation. Plaintiffs conceded in discovery that they had performed exempt duties, but argued that the company had made unlawful deductions from their salary. The district court granted our motion for summary judgment, concluding that the “shortfalls” did not constitute unlawful deductions under the law and that plaintiffs were therefore exempt and not entitled to overtime pay. The U.S. Court of Appeals for the Sixth Circuit affirmed.

- Labor, Benefit + Employment - Food Manufacturer
Miller Canfield represented a major food manufacturer in a Section 301 and age discrimination case. The district court granted our motion to dismiss the complaint.
 - Labor, Benefit + Employment - Food Manufacturer
We represented a major food manufacturer in a Section 301 case. The district court dismissed on statute of limitations grounds; and the U.S. Court of Appeals for the Sixth Circuit affirmed.
 - Labor, Benefit + Employment - Food Processor
Miller Canfield represented defendants in a case involving ERISA claims. Settled.
 - Labor, Benefit + Employment - Health Care System
Miller Canfield represented a health care system in defense of collective Fair Labor Standards Act wage and hour claims brought on behalf of approximately 1,000 home health care nurses. Although the court conditionally certified the case as collective action, it later granted our motions and did not allow the case to proceed as such. The case was settled after the court severely narrowed the claims.
 - Labor, Benefit + Employment - Rubber Products Manufacturer
We represented a rubber products manufacturer in defense of sex harassment and invasion of privacy claims. The case settled after the state court denied class certification.
 - Labor, Benefit + Employment - University Health System
We successfully opposed class certification of a gender discrimination pay suit in which nurse practitioners and physician assistants employed by the university health system alleged that they were paid less than male physician assistants in violation of
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the Equal Pay Act and state law.

- Securities - Auto Supplier

In a multi-district consolidated class action alleging violations of the Securities Act of 1933 and the Securities Exchange Act of 1934 for alleged false and misleading statements and material omissions regarding the financial condition of a large auto supplier, Miller Canfield, with co-counsel, represented an underwriters group that included a number of major investment banks. The case was settled after informal discovery and extensive mediation, and the court confirmed the settlement over objections.

- Securities - Brokerage Firm

We represented a brokerage firm and all underwriters in a securities class action involving allegations of fraud in an initial public offering. The matter was settled.

- Securities - Electronic Retailer

Miller Canfield represented an electronics retailer in a securities class action. The matter was settled.

- Securities - Financial Services Company

Miller Canfield represented a financial services company a securities class action regarding a Ponzi scheme. The case was dismissed.

- Securities - Financial Services Company

Miller Canfield represented a financial services company in defense of a state securities class action. The trial court dismissed on our motion.

- Securities - Furniture Manufacturer

Miller Canfield represented a furniture manufacturer in a multidistrict class action securities litigation. The matter was settled.

- Securities - Home Builder

Miller Canfield represented an issuer in defense of allegations of violations of the 1934 Securities and Exchange Act. We obtained an order dismissing all of the putative class plaintiffs' claims with prejudice. The U.S. Court of Appeals affirmed and *en banc* refused class plaintiffs' motion for rehearing.

- Securities - Insurance Company

Miller Canfield represented a major insurance company in an alleged “vanishing premium” case. The matter was settled.

- Securities - National Bank

Miller Canfield represented a national bank and the individual officer defendants in defense of alleged violations of the 1933 Securities Act and the 1934 Securities and Exchange Act related to the bank’s restatement of its earnings. The matter was settled.

- Securities - Utility Company

Miller Canfield represented an electric and gas utility in defense of alleged violations of the 1934 Securities and Exchange Act and ERISA related to alleged “round-trip” trading. The case was successfully settled.