

Class Actions



Selendy Gay has led some of the most cutting-edge class actions and products liability initiatives around the country. In cases with billions of dollars on the line, our partners have achieved results for plaintiffs and defendants at every phase of the national class action process, including the class certification, Daubert, and summary judgment stages.

Our high-stakes products liability representations include class action and individual personal injury claims, internal preventative assessments and pro-active audits, consumer fraud investigations by state attorneys general, False Claims Act, and qui tam actions.

We have also defended and coordinated counsel for large companies facing serial class action litigation, whether filed in selected “hot” venues or as multi-district litigation (MDL). Our successes include leveraging our relationships with the plaintiffs’ bar to obtain stays of discovery or early dismissals; prevailing at trial in liability and damages phases; and obtaining high-value settlements.

Our partners’ representative engagements include:

- **Mutual fund shareholders** who purchased, sold, or liquidated mutual fund shares managed by Allianz Global Investors U.S. LLC’s Structured Property Groups from January 1, 2015 to December 31, 2020, securing a \$145 million settlement. The suit alleged that, instead of managing the Mutual Funds as represented, AllianzGI prioritized returns over risk management in ways that were fundamentally inconsistent with AllianzGI’s representations concerning the Mutual Funds Principal Investment Strategies. Selendy Gay was co-lead counsel with Silver Golub & Teitell and Bernstein Litowitz Berger & Grossman.
- **The Coca-Cola Company**, defending multiple class action lawsuits, including in MDL proceedings, concerning alleged misleading advertising of its Vitaminwater beverages, obtaining a favorable negotiated resolution with no damages.
- **AOL**, a web portal and online service provider, defending two separate putative class action lawsuits seeking statutory damages in excess of \$650 million under the Electronic Communications Privacy Act relating to a data breach that was referred to at the time as the “Exxon Valdez” of data breaches.
- **Lincoln National Life Insurance Company**, obtaining dismissal of two putative class action lawsuits claiming damages in the hundreds of millions of dollars arising from the company’s use of retained asset accounts to pay death benefits.
- Public service workers, members of the **American Federation of Teachers** union, in a settlement of a nationwide class action lawsuit with Navient, one of the nation’s largest student loan servicers, challenging Navient’s practices with respect to advising federal student loan

borrowers on Public Service Loan Forgiveness (PSLF). We secured approval of a novel class settlement under which Navient agreed, among other things, to forgive the loans of all named plaintiffs, enhance its service to public service workers (teachers, nurses, Legal Aid workers, firemen and policemen, for example), and contribute millions to a nonprofit organization that provides education and student loan counseling to public service workers.

- **A class action on behalf of hundreds of thousands of New York City public employees and retirees**, successfully arguing to the New York Court of Appeals that New York's consumer protection law covers misrepresentations regarding the scope of coverage in an insurer's marketing materials.
- **Crypto-asset investors**, in multiple class actions in the Southern District of New York against several of the world's major crypto-asset exchanges and digital token issuers who allegedly offered and sold billions of dollars of unregistered digital tokens and other financial instruments to investors in violation of federal and state securities laws.
- **A major telecommunications company** in a class action alleging personal injuries from ground contamination from perchlorethylene, trichlorethylene, and uranium 238 on a site purchased from a global lighting supplier and producer.