

Class Actions



In cases with billions of dollars on the line, Selendy & Gay's partners have achieved results for plaintiffs and defendants at every phase of the national class action process, in matters including antitrust, consumer disputes, insurance, intellectual property, privacy and data breaches, RICO, and securities fraud.

We have served as national trial and coordinating counsel for large companies facing serial class action litigation, whether filed in selected hot venues or as multi-district litigation (MDL). Our representation of both plaintiffs and defendants has helped us create outside-the-box strategies that go beyond typical class action practice. Our deep reservoir of trial skills creates momentum to the earliest possible resolution, and we understand the need for case strategies to serve our clients' business objectives of leveraging or protecting company assets.

Our successes include leveraging our relationships with the plaintiffs' bar to obtain stays of discovery or early dismissals; victories for plaintiffs and defendants at the class certification, Daubert, and summary judgment stages; prevailing at trial in liability and damages phases; and obtaining high-value settlements.

We frequently work in parallel with regulatory action, government investigations, or criminal prosecutions to effectuate truly comprehensive, cost-effective, and press-savvy resolutions. We also routinely litigate on behalf of opt-out plaintiffs, for whom an individual suit may offer a higher recovery than remaining in a class action.

Our representative engagements include:

- Ten public service workers, members of the **American Federation of Teachers union**, in a settlement of a proposed 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 preliminary approval of a class settlement under which Navient agreed, among other things, to enhance its call center practices and to contribute \$1.75 million to a nonprofit organization that provides education and student loan counseling to public service borrowers.
- **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.

- **Crypto-asset investors**, in 11 class actions in the Southern District of New York against four of the world’s major crypto-asset exchanges and seven 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.
- **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.
- **American Federation of Teachers** and other investors, against most major money center banks (including Goldman Sachs, Merrill Lynch, Barclays, Citigroup, and others) in litigation arising from their dealings in the \$13 trillion U.S. Treasuries market and alleging violations of the Sherman Act based on collusion.
- **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.
- **A proposed class of cryptocurrency investors** alleging that the controllers of the cryptocurrency exchange Bitfinex falsely represented that their purportedly “stable” cryptocurrency Tether was backed by U.S. Dollars in order to control the price of Bitcoin and other cryptocurrencies in an elaborate market-manipulation scheme that cost investors hundreds of billions of dollars.