JAMS Class Action and Mass Torts Representative Cases

The JAMS Class Action and Mass Torts Group provides specialized dispute resolution and has handled a wide variety of cases. The following is a brief sampling of cases that have been successfully resolved and/or settlements allocated successfully by JAMS neutrals.

Antitrust
- Presided over In Re: Compensation of Managerial, Professional and Technical Employees Antitrust Litigation, an antitrust matter involving claims that major U.S. oil companies exchanged detailed salary information in an effort to suppress the growth of oil industry salary levels.
- Presided over In re Methionine Antitrust Litigation, a multi-district litigation alleging international price fixing conspiracy brought by livestock producers and feed companies. The case settled for $107 million.
- Negotiated settlements In re NASDAQ Antitrust Litigation, antitrust class actions and related SEC and DOJ investigations of price fixing of NASDAQ securities.
- Negotiated settlements In re Publication Paper Antitrust Litigation, an antitrust class action involving Treble damage alleging price fixing in the markets for publication paper.
- Presided over In re: Insurance Brokerage Antitrust Litigation, involving allegations that certain insurance brokers solicited rigged bids from insurers and received kickbacks for steering customers to those companies. The judge approved both class action settlements and the Third Circuit Court of Appeals affirmed the settlement in its entirety.

Business/Commercial
- Mediated a class action against major wireless communications provider for various billing and contract termination practices; class was nationwide with over 50 million members.
- Mediated a class action brought under the Fair Credit Reporting Act on behalf of 300,000 people who had adverse information concerning criminal records provided to potential employers.
- Mediated class action cases concerning auto-dialing customers in claimed violation of Washington’s prohibition against automatic dialing and announcing devices.
- Presided over a class action lawsuit brought against major national theater group. The settlement resulted in a court-enforceable commitment to a timetable for installing captioning technology for the hearing impaired in every theater in California that is converted to digital projection.
- Mediated multiple shareholder class actions including matters alleging “fraud on the market,” leading to decreases in share prices when allegedly non-truthful or misleading disclosures were made by management of public companies, including cases in the technology, communications and manufacturing sectors.
- Resolved multi-million dollar class action suit brought by students in professional degree programs against the University of California for refund of unauthorized tuition increases.
- Mediated a nationwide class action involving price fixing in the music industry.
- Settled three large class action multi-district litigation cases involving alleged product liability, antitrust and securities/breach of fiduciary duties issues.
Civil Rights

- Served as the Chief adjudicator in the African American Farmers Class Action Cases (*Pigford v. U.S. Department of Agriculture*). This matter involved more than 20,000 plaintiffs suing under Civil Rights statutes for alleged discrimination in lending by the U.S. government.
- Served as the Chief adjudicator in $760 million *Keepseagle v. Vilsack* settlement involving review of thousands of individual class member claims of discrimination against Native American farmers.
- Settled a class action against a large restaurant alleging a pattern and practice of discrimination on the basis of national origin.
- Arbitrated class action of more than 700 individual claims for alleged racial discrimination in providing government loans and benefits. Arbitrated after class certification and court-approved procedure agreed to by the parties for adjudicating the merits of individual claims by arbitration.
- Adjudicated and settled more than 100 class action claims for alleged racial discrimination in providing government loans and benefits.
- Settled a disability class action against the U.S. Postal Service, in which the parties developed a process for the post-settlement resolution of individual claims.
- Settled separate class actions against the FDIC, the FBI, and NASA, all of which resolved allegations of racial discrimination in promotions.

Employment

- Presided over a class action dispute brought by participants in a Long Term Savings Plan for Management Employees over compensation for losses related to breach of ERISA-mandated duties in the operation and administration of the Plan. The judge was granted preliminary and final approval of the $29 million settlement.
- Presided over an employee class action alleging misclassification of plaintiffs as “exempt” from overtime requirements. Court initiated use of privacy waiver letters approved in *Pioneer Electronics (USA), Inc. v. Superior Court*, 2007 Cal. LEXIS 553. Class certification was granted and settlement approved.
- Presided over an employee class action by assistant store managers alleging misclassification of plaintiffs as “exempt” from overtime requirements.
- Employee class action by Wal-Mart employees alleging numerous violations of California’s labor laws. Managed case from inception through judgment, including significant discovery, law and motion, a three and a half month jury trial, a week-long court trial, and a year of post-trial motions.

Environmental

- Resolved a class action alleging violations of CERCLA and state law resulting from air and water contamination by pollutants. A settlement was reached for medical monitoring and property damage.
- Resolved a dispute involving more than 3,000 plaintiffs and contaminated groundwater in heavily populated Southern California region.
- Arbitrated individual claims for more than 100 buildings by building owners for remediation of property damage from asbestos containing materials.
- Mediated a settlement on behalf of citizen claims against county based upon landfill runoff and then arbitrated to distribute settlement funds.
• Resolved a multi-plaintiff case against power companies for alleged noise pollution from power plants.
• Overseeing claims by 80 people who alleged injuries by exposure to toxic manganese fumes. The cases presented complex case management and discovery issues.

Financial Markets
• Settled *In re McKesson, HBOC, Inc. Securities Litigation* for $960 million, one of the largest securities fraud class settlements ever reported.
• Managed and resolved multiple securities Class Actions involving Adelphia, Enron, Lehman Directors and other major NYSE and NASDAQ corporations.

Governmental/Public Agency
• Mediated a class action case involving county-provided high school-level educational programs for inmates held in a county Juvenile Hall. Facilitated a non-monetary settlement in the form of an agreement regarding the appropriate quality of educational programs that were to be offered to young inmates.

Insurance
• Mediated a nationwide settlement involving approximately 400,000 policy holders and insurance company for using non-OEM (Original Equipment Manufacturer) parts in repairing automobiles after accidents.
• Acted as an advisor in *The International Commission on Holocaust Era Insurance Claims* international settlement involving more than 55,000 claims for life insurance benefits.
• Served as the mediator for the *Manufacturers Life Insurance Company Premium Litigation*, national MDL class action involving all purchasers of vanishing premium life insurance policies. A $500,000 settlement was reached.

Product Liability
• Appointed Federal Mediator in *Baycol MDL* by The Hon. Michael J. Davis, District of Minnesota. Settled MDL and state court cases which included multiple catastrophic personal injury and wrongful death cases arising out of complications from Rhabdomyolysis.
• Served as Settlement Special Master for *Bextra MDL*, which included handling claims administration and adjudication as well as appeal process for distribution of multi-million dollar settlement.
• Presided over the ongoing MDL *In re Ford Motor Co. E-350 Van Products Liability Litigation (No. II)*, a products liability, warranty, and consumer fraud action involving claims that design defects led to Ford’s 15-passenger vans’ stability problems and a poor reputation that decreased their actual value to customers. Resolved more than 60 of the original 80 claims initially brought by 20 named plaintiffs from 11 states, and also denied the plaintiffs’ initial motion for class certification.
• Presided over the ongoing MDL *In re: Fosamax (Alendronate Sodium) Products Liability Litigation (No. II)*, which involved hundreds of cases against Merck & Co., Inc. alleging products liability claims for femur fracture injuries as a result of taking the osteoporosis drug commonly at issue in that MDL.
• Neutral was appointed MDL mediator and Settlement Special Master by the Hon. Dan Polster, Northern District of Ohio, *In Gadolinium Contrast Dyes Product Liability Litigation*. As such,
handling all mediation and settlement, as well as allocation, adjudication and appeals, for MDL and state court cases involving allegations of catastrophic personal injury and wrongful death as a result of a fluid administered to patients having MRIs.

- **In re Mirapex Product Liability Litigation**, presided over bellwether trials in the Mirapex cases involving patients prescribed the drug Mirapex who developed pathological gambling and other compulsive behaviors as a side effect. The majority of the cases were settled.
- Mediated and successfully settled a large product liability class action against a major automobile manufacturer involving the alleged faulty condition of 400,000 vehicles.
- Presided over class action concerning infomercials resulting in $9.4 million compensatory and $4.7 million punitive damages.
- Presided over **In re: Audi**, a nationwide products liability class against manufacturer of Audi autos.
- Settled a nationwide class action involving mislabeling of baby formula where the directions provided in Spanish resulted in incorrect preparation of the formula.
- Mediated and acted as settlement special master in **Gadolinium Medical cases** MDL proceedings involving mediation and allocation; pharmaceutical manufacturers involved included Bayer, General Electric and Mallinckrodt.
- Presided over **In re Medtronic, Inc., Implantable Defibrillators Products Liability Litigation**, a class action involving a group of plaintiffs implanted with faulty Medtronic defibrillators. Most cases settled and the MDL was dissolved in December 2008.
- Presided over the **Sulzer Hip Cases, J.C.C.P.**, which included hundreds of California plaintiffs who received defective prosthetic hip replacements. The matter was managed aggressively and all cases were resolved as part of a national settlement administered through a federal MDL proceeding.
- Appointed as a mediator to manage complex discovery disputes in the Fen-Phen diet drug litigation and mediated disputes between class counsel and trustees of the settlement fund.
- Appointed as settlement special master for the **Ortho Evra MDL** to design and implement allocation of multi-million dollar settlement proceeds to claimants.
- Appointed mediator in the **PPA MDL** for all remaining PPA cases (Phenylpropanolamine, an additive in over-the-counter diet and cold medications) and settled the Federal Multi-District litigation and state court cases, settled wrongful death and stroke cases.
- Appointed as the mediator to manage allocation of settlement proceeds from the **Zicam I and II MDL**.
- Appointed as a settlement master to design and implement claims administration process and allocation of more than $800 million settlement for the **Zyprexa I and II MDL**.