

# California Class Action Litigation

---

## What Is Class Action Litigation?

A class action lawsuit often entails one person or a small group of people prosecuting a lawsuit on behalf of a larger group of people who have all purportedly suffered similar injury from an in common defendant. The settlement or judgment of the lawsuit applies to all members of the court-approved 'class' and blocks other members from filing their own cases. Class actions can be brought in federal court or in state courts depending on the basis for the claim.

Burke Class Action Litigation attorneys defend California public agency and private sector clients across a wide range of industries in class (and collective) actions lawsuits. We represent clients facing complex litigation claims associated with wage and hour and PAGA, Title II and Title III ADA disability, employment and labor law, insurance coverage, consumer protection, products liability, civil rights, use of force (law enforcement), unfair business practices, deceptive advertising, fraud and breach of contract. We litigate and try cases in nearly every combination of venues, including state and federal trial and appellate courts.

## What Types of Class Action Litigation Does Burke Defend?

We have developed proven knowledge in defending class action lawsuits, most commonly brought in the insurance, ADA, wage and hour and employment arenas. One of our employment litigators has served as lead defense counsel in multiple employment-related class actions. Another of the firm's leading trial lawyers has defended multiple class actions on behalf of the California Department of Corrections and has defeated several class actions at the certification stage. One of our leading trial attorneys has defended several ADA disability rights class actions. Our insurance litigators have defended national insurance carriers in class actions brought by policyholders. Other highlights of the Burke Class Action Litigation follow.

## **Employment Class Action Defense**

Burke Class Action litigators have proven experience in defending class action lawsuits and complex litigation on behalf of public and private employers, including class action claims pertaining to::

- Wage and hour violations (federal and state)
- Private Attorney General Action (PAGA)
- Wrongful termination
- Worker defamation claims
- Age and gender discrimination claims
- Public agency worker reclassification and pension benefits
- Invasion of privacy
- ERISA employee benefit and pension claims

## **Insurance Policyholder Class Action Defense**

In tandem with Burke Insurance Coverage and Defense Litigation attorney, we have defended class action allegations involving:

- Refunds of insurance premiums
- Premium calculations
- Replacement of insurance policies
- Sales and marketing practices, underwriting practices
- Assignments under medical insurance policies governed by ERISA
- Corporate claims practices

## **Consumer Class Action & Complex Litigation Defense**

Burke Class Action litigators have also defended class actions involving:

- Unfair business competition practices
- Products liability
- False product labeling
- Antitrust claims
- Hospital billing practices
- California Business & Professions Code Section 17200
- Construction defect issues

## **Americans with Disabilities Act (ADA) Class Action**

## Defense

- ADA Title II Claims (public entity)
- ADA Title III (public accommodation-private entity)
- Rehabilitation Act of 1973
- California Disabled Persons Act
- California Unruh Act

## Putative Class Actions

A putative class action in a multi-claimant lawsuit where the purported injured class has not yet been certified by a court. Burke Class Action litigation attorneys routinely defend putative class actions for both private and public sector clients.

## Private Attorney General Class Action (PAGA) Defense

The Private Attorneys General Act of 2004 is a California statute that authorizes purportedly aggrieved employees to bring actions for civil penalties on behalf of themselves, their workplace colleagues, and the State of California against their employers for California Labor Code violations. Burke Class Action attorneys have successfully defended both public and private employers from PAGA class actions. We have defeated class certification in many putative class actions, including defeating class certification in two multi-public agency cases.

## The Class Action Litigation Process at Burke

Burke Class Action litigation attorneys are skilled at early assessment and valuation, using experts and paralegals in a cost effective manner in the early valuation process, coordinating defense strategies involving multiple defendants, making strategic use of law and motion to facilitate efficient resolution of actions, aggressively pursuing class decertification defenses, and ensuring an effective and integrated overall defense strategy while mitigating liability and legal defense costs. We have served as appointed class counsel on behalf of Plaintiff and Defendant classes.

Where the client has determined settlement is in their best interest, Burke Class Action litigation attorneys work to position clients with optimal leverage and bargaining power for purposes of settlement negotiations. We are highly experienced in structuring class settlements, working with third party class administrators, and completing the settlement approval process.

## What Makes Class Action Litigation Unique at Burke?

Burke's competitive advantage in producing successful client action outcomes lies in our teamwork and ability to bring together superior litigation skills and diverse subject matter leaders to manage a multitude of class action claims. We regularly work together across practice areas and build a Burke class action defense team composed of attorneys from different Burke offices. We are able to quickly assess and evaluate effective class action litigation defense strategies and develop tactical options that secure preferred client goals and objectives.

**If you are a public agency or private sector entity confronted by a potential or filed class action lawsuit, please [contact](#) the Burke Class Action litigation team.**