WILSON SONSINI

Class Action Litigation

HIGHLIGHTS

- **Extensive Class Action Experience**
  Wilson Sonsini has resolved a substantial number of class action cases, including defending more than 400 shareholder class actions, dozens of antitrust-related class actions, and a growing number of consumer class actions.

- **Handle Substantively Complex Matters**
  Wilson Sonsini's attorneys have provided representation in a significant number of multi-defendant, multi-district disputes, including matters involving clusters of putative class actions, and have represented clients in disputes involving issues of first impression, novel areas of law, and industry-leading companies in fast-growing, competitive technology markets.

- **Subject-Matter Experience**
  Wilson Sonsini's class action attorneys demonstrate their mastery of the relevant regulatory and legal issues, as well as the relevant products, services, and markets at issue, enabling them to provide strategic, efficient, and effective representation in litigation.

OVERVIEW

Wilson Sonsini has built a formidable, renowned class action practice through the firm's legacy of successfully representing corporate clients in significant antitrust, consumer, and securities litigation matters.

Wilson Sonsini attorneys have litigated several of the most significant antitrust class action cases involving claims under the Sherman Act, Clayton Act, and Robinson-Patman Act. With respect to consumer class actions, the firm's litigators have been involved in landmark decisions involving privacy, false advertising, and other consumer fraud claims, particularly those involving technology. And finally, Wilson Sonsini has been defending securities class actions since 1984, securing favorable outcomes in high-profile lawsuits and setting legal precedent along the way.

Distinguishing Features of Wilson Sonsini's Class Action Practice

Quantity – Wilson Sonsini has resolved a disproportionately large number of class actions.

Wilson Sonsini has handled hundreds of class actions to date. In the securities litigation area alone, the firm has defended more than 400 shareholder class action cases. The firm has also successfully handled dozens of antitrust-related class actions. For example, the firm represented Live Nation in 22 regional class actions, prevailing on summary judgment dismissing all claims. Finally, the firm has handled a growing number of consumer class actions in federal and state courts, including successful outcomes in privacy, false statement, and consumer fraud-related cases.

Quality – Wilson Sonsini has resolved class actions involving complex and consequential issues on behalf of industry leaders and fast-growing companies alike.

Although the quantity of class actions involving the firm is substantial, it's the substantive complexity of the matters themselves that has been of greater importance to our clients.

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Wilson Sonsini has proven it has the depth needed to manage large-scale class action litigation. A sizable percentage of the class actions defended by the firm have been multi-defendant, multi-district disputes, including matters that involved clusters of putative class actions.

Wilson Sonsini's class action attorneys have also represented clients in disputes involving issues of first impression, novel areas of law, and industry-leading companies, including in many fast-growing, competitive technology markets.

Collectively, the above qualities explain why the firm has frequently litigated important, high-profile class action cases—as well as why industry leaders have often engaged the firm to represent them in significant, bet-the-company class actions.

In fact, Wilson Sonsini has been recognized in the business and legal trade media for successfully representing clients in key class actions. For example, the firm received the "Behavioral Matter of the Year – Americas" award from *Global Competition Review* for successfully defending Netflix in *In re Online DVD Rental Antitrust Litigation*, a case in which the Northern District of California dismissed all claims brought against Netflix by a class of subscribers that had accused the company of conspiring with Walmart to corner the online DVD rental and sales market.

Forum Experience – Wilson Sonsini has litigated class actions in most state and federal jurisdictions, including plaintiff-friendly venues.

Attorneys on Wilson Sonsini's class action team have litigated in federal and state courtrooms across the U.S. Focusing on only securities class actions, we've litigated in in more than 30 states and between 1999 and May 2022, the firm defended companies in 270 federal securities class actions. We have also appeared before scores of different state and federal jurists, including a growing number of judges located in key legal centers in the U.S who hear a larger proportion of class actions.

Wilson Sonsini's attorneys are subject-matter experts.

When it comes to having the right expertise to handle sophisticated subject matter, Wilson Sonsini's class action attorneys have demonstrated their mastery of relevant regulatory and legal issues, as well as the core technologies at issue. We have been successful in defending companies in class actions because our attorneys have applied the subject matter expertise needed to provide strategic, efficient, and effective representation in such litigation.

With respect to substantive legal issues, the firm's class action attorneys have defended virtually every conceivable type of case, from governance and securities law to financial fraud. However, legal acumen alone is insufficient when it comes to class actions and meeting our clients' urgent, crisis-level needs. Our success defending clients in complex disputes can be attributed to our ability to connect them to attorneys who are closely familiar with the relevant products, services, and markets.

Because the firm's client base is heavily invested in the technology industry, our expertise has necessarily included innovative services and products. This is one of the reasons Wilson Sonsini has earned its reputation as the premier provider of legal services to technology, life sciences, and growth enterprises. At the same time, our attorneys have successfully litigated matters for clients in other business sectors. For example, the firm's class action attorneys have successfully defended class actions for clients in the aviation, agriculture, apparel, construction, entertainment, and financial industries.

Scope of Class Action Experience

Attorneys in Wilson Sonsini's class action practice have been directly or indirectly involved in cases that fall into the largest categories of law and legal disciplines, from antitrust and appellate matters to privacy and securities law. Although the firm's litigators have represented clients in class action controversies across a broad range of legal topics, the firm has achieved its most significant wins on behalf of clients in three areas:

Securities Class Actions

Wilson Sonsini has been defending securities class actions since 1984. In the years since then, our attorneys have participated in many of the major, precedent-setting securities cases involving insider trading, the bespeaks caution doctrine, and materiality.

Our securities litigation team includes some of the most experienced and respected securities attorneys in the nation. In addition to having an enviable list of wins in high-profile class actions, our attorneys have played a significant role in forging securities law in the U.S. For example, we participated in the enactment of the Private Securities Litigation Reform Act of 1995, which heightened the standards for pleading a securities fraud claim in federal courts. Since then, we have been instrumental in developing the Reform Act's interpretation in the First and Ninth Circuits, and numerous U.S. district courts.

For more information, please see our **securities litigation practice page**.

Antitrust Class Actions

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Wilson Sonsini attorneys have litigated several of the most significant class action cases involving claims under the Sherman Act, Clayton Act, and Robinson-Patman Act. We have successfully represented clients in defense of antitrust class actions where plaintiffs have sought large treble damages awards that threatened the viability of our clients' businesses.

Consumer Class Actions

During the past decade, as consumer protection statutes and resulting litigation have become more prevalent, Wilson Sonsini has established a growing consumer class action practice, representing corporate clients in large-scale and high-profile disputes in state and federal jurisdictions. At the federal level, the firm's class action defense includes MDL and parallel proceedings, as well as claims based on the federal Class Action Fairness Act. More recently, federal class action cases have concerned the Consumer Fraud and Abuse Acts, as well as food labeling laws, such as the Federal Food, Drug, and Cosmetic Act, the Fair Packaging and Labeling Act, and the Nutrition Labeling and Education Act.

The firm's federal class action experience also includes a growing and impressive list of disputes spawned by privacy-related laws, including the Telephone Consumer Protection Act, the Federal Wiretap Act, the Stored Communications Act, and the Video Privacy Protection Act, among others.

At the state level, Wilson Sonsini has been equally successful in litigation involving state consumer protection statutes and the state equivalents of the above-mentioned federal laws. With a significant percentage of our class action experience coming from California state jurisdictions, we have also represented clients at the center of high-profile disputes in the state, particularly those based on California's consumer protection statutes, including: California's Unfair Competition Law (Business & Professions Code Section 17200); California's False Advertising Act (Business & Professions Code Section 17500); and the California Consumer Legal Remedies Act (Civil Code Sections 1750-1784).

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