

MILLER & MARTIN'S CLASS ACTION EXPERIENCE IS UNCOMMON FOR A FIRM ITS SIZE. AS A MID-SIZED REGIONAL FIRM, MILLER & MARTIN OFFERS A LEVEL OF PERSONAL ATTENTION, RESPONSIVENESS AND EFFICIENCY NOT ALWAYS AVAILABLE FROM LARGER, NATIONAL FIRMS.

A Class Action suit can cause significant disruption to an organization's business; triggering unfavorable public relations as well as regulatory and other business operating issues. Working with attorneys experienced in defending high-stakes class action lawsuits who deliver innovative legal strategies increases the likelihood of success.

Miller & Martin attorneys handle state, federal and multidistrict class litigation, including battles over class certification, negotiation and administration of settlements on a class or non-class basis, trials, appeals and national defense coordination of Multi-District Litigation ("MDL").

Our Class Action team of attorneys represents clients in areas such as employment practices, wage & hour law, ERISA, antitrust, products liability and property-related claims. We are proactive in untangling the complex intricacies of each case, considering the uniqueness of each case in order to develop aggressive strategies and bring the matters to a swift resolution.

[Click here to see where we have handled class and collective actions across the United States.](#)

Members of the group regularly speak, write and offer class and collective action related training programs to clients and industry organizations. The group includes many attorneys listed in *The Best Lawyers in America*®, *Mid-South Super Lawyers* and *Georgia Super Lawyers* as well as recognized by *Chambers USA: America's Leading Lawyers for Business*.

SELECTED EXPERIENCE

Employment Litigation

- Defending non-profit in Fair Labor Standards Act collective action in Tennessee.
- Resolved wage and hour class action filed in California and Fair Credit Reporting Act class action filed in Missouri in 2015, with dismissal of class allegations in each case.
- Resolved 70,000-member Fair Credit Reporting Act class action in Tennessee in 2013-15 for lower amount than parallel case against smaller employer in same industry brought by same attorneys.
- Defeated certification efforts in nationwide class actions filed in New York (motion to dismiss granted), New Jersey (motion to dismiss class compensatory and punitive damage claims granted and class claims dropped), Tennessee (motion for summary judgment granted), and again in Tennessee (motion to certify denied) for employers in manufacturing, distribution, restaurant and accounting industries.
- Motion to dismiss class race discrimination claims granted in Texas. Motion for summary judgment on class age discrimination claims granted in Tennessee. Motion for summary judgment granted in wage and hour collective action in Florida.
- Obtained class decertification, affirmed by the Ohio Court of Appeals in 2009, in race discrimination case. Court rejected arguments presented by Professor Arthur Miller, co-author of the Federal Rule governing class litigation.
- Obtained summary judgment in RICO class action based on allegations of wage suppression through employment of undocumented workers. *Trollinger v. Tyson Foods*, 543 F. Supp.2d 842 (E.D. Tenn. 2008).
- Resolved wage and hour class allegations for favorable settlements in California, Tennessee and elsewhere for employers in the restaurant, security, photographic studio, manufacturing, warehousing, logistics and distribution industries.

Other Class Litigation

- Counsel in *iHeart v. Sheridan* lawsuit stemming from a civil RICO class action filed in a Georgia federal court alleging intranet radio streaming violates Georgia's criminal record piracy law. Georgia Supreme Court ruled in an unanimous opinion that media companies that stream music recordings made prior to 1972 over the intranet without paying royalties or licensing fees do not violate piracy law.

- Defending class action against judicial correction services company.
- In 2015 defeated class certification in case against pension fund.
- In 2013 defeated class certification in a purported class action alleging false advertising (Lipton USDC ND ILL 11-C-2952).
- In 2013 obtained pre-discovery dismissal of ADA class action involving accessibility of ATM machines.
- In 2012 obtained dismissal of purported California class action alleging false advertising.
- In 2010 obtained early resolution of class allegations challenging international acquisition of publicly traded company.
- Obtained favorable settlement of medical products class litigation. In re Ephedra Litigation, MDL 1598 (S.D.N.Y. 2005).
- Obtained global resolution of over 1,000 lawsuits filed across the country against national manufacturer of health and beauty products. In doing so, served as national coordinating counsel for Multi-District Litigation, obtained approval for class settlement, and developed novel case scoring system and matrix to value cases fairly and objectively. In re Phenylpropanolamine (PPA), 227 F.R.D. 553 (W.D. Wash. 2004).
- Obtained dismissal of class claims against large financial institution related to banking charges. Defendants not represented by Miller & Martin remained in case for years thereafter.

RELATED PRACTICES

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