

## News

# BCLP TEAM IN MULTIPLE OUTLETS ON RARE EARLY DISMISSAL IN MDL CLASS ACTION CASE

Jan 31, 2022

In a rare and impressive early victory in a multidistrict litigation (MDL) class action case, a federal judge in Boston dismissed the case and entered the judgement in favor of firm client Evenflo Company, Inc., a manufacturer of child seats and other children's products. The case was covered Jan. 27 by *Reuters* and Jan. 28 by *Law360*.

In creating the MDL, the Judicial Panel on Multidistrict Litigation consolidated 28 separate lawsuits from around the country in the U.S. District Court for the District of Massachusetts. The lawsuits sought class action status against Evenflo and alleged that Evenflo misled customers about the safety of its Big Kid booster seat in side impact collisions. Plaintiffs alleged that they and the putative class suffered economic harm as a result of these misrepresentations. After the lawsuits were consolidated in the District of Massachusetts, the plaintiffs filed a Consolidated Class Action Complaint. Our team filed a motion to dismiss the Consolidated Class Action Complaint on behalf of Evenflo. U.S. District Judge Denise Casper granted Evenflo's motion to dismiss on Jan. 27, agreeing with our argument that the plaintiffs did not have Article III standing to bring their lawsuit because they had not alleged a plausible economic injury. Judge Casper held that plaintiffs "do not offer a plausible explanation of their economic injury – all Plaintiffs claim is that the Big Kid, because of these alleged problems, were of no value to them. Accordingly, Plaintiffs have not shown they have standing to redress their economic injuries."

An appeal is likely. The BCLP team was led by Dan Ball, Rick Cassetta, Lee Marshall and Tim Hasken, with support from Peter Bay, Colin Snider and Claudia Papenberg.

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