

Want to Settle Before Class Certification? The Supreme Court Raises the Stakes

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Recently, the U.S. Supreme Court held in *Campbell-Ewald Co. v. Gomez*, a putative class action case, that an unaccepted pre-certification settlement offer to the named plaintiff does not moot either the plaintiff's claim or that of the supposed class. The case involved a claim under the Telephone Consumer Protection Act ("TCPA") and was decided on basic principles of contract law, but it raises important implications for class action plaintiffs and defendants in all manner of cases, including in particular class actions alleging false labeling and other advertising. In short, *Campbell-Ewald* begins to, but does not fully, answer the question of whether, short of a settlement agreement with the named plaintiff, a defendant can moot a purported class action suit prior to class certification, therefore forcing plaintiff's counsel to find a new lead plaintiff (a task sometimes more difficult than one might suppose)... [Continue Reading](#)