

## State Class Action Laws

### State Law Class Action Defense

Many states have adopted laws that allow consumer class actions to be filed in state courts, in which businesses are alleged to have committed unfair competition or false/misleading advertising. Successful plaintiffs in these actions may be entitled to awards of attorneys' fees in addition to actual damages or disgorgement of profits, depending on the state.

One such state is California, where section 17200 et seq. of the Business and Professions Code creates a private right of action by consumers or aggrieved competitors. Under some circumstances, a single plaintiff can bring such actions on behalf of all consumers, even without a plaintiff class being certified by the court.

### Strategic Defenses in State Law Class Action Cases

Since these laws vary by jurisdiction the first step in defending a class action case brought under state law is to know the precise statutes and judicial decisions that define the scope of the action, and the procedures to challenge it. KD's class action defense team is admitted to practice in many states that have such laws. Our attorneys recognize that a class action brought in one state may lead to "copycat" suits in other states. For this reason, we aggressively seek to shut down the first such case, knowing the adage about a "stitch in time."