

# CLASS AND COLLECTIVE ACTION LITIGATION

Bond has a track record of successfully defending a broad array of companies and educational institutions facing class and collective action litigation so that our clients can get back to business.

Our considerable experience includes the defense of class and collective actions involving:

- Title VII
- ADEA
- ADA
- FMLA
- GINA
- New York Labor Law
- Deceptive Trade Practice & False Advertising Claims
- Shareholder Merger & Acquisition Claims
- Bank Overdraft Claims
- Title IX
- FLSA
- ERISA
- Section 1981
- FCRA
- RESPA
- Data Breach Claims
- Tuition Refund Claims
- UCC Repossession

With Chambers-ranked upstate litigation and labor & employment law practices, 250 lawyers, and offices in Buffalo, Rochester, Syracuse, Utica, Saratoga, Albany, Garden City, Westchester and New York, NY; Boston, MA; Kansas City, KS; Naples, FL; and Red Bank, NJ, we possess the resources, wealth of experience, deep core of knowledge and bench strength necessary to meet the unique and complex challenges that class and collective actions present.

Our seasoned class action litigators are here to ably defend our clients, communicating and collaborating with them at every step of the class action process – from removal or jurisdictional challenges under the Class Action Fairness Act, to motions to dismiss and challenges to class certification, to discovery, summary judgment and, if necessary, trial. We have experienced litigators across the firm with state and federal court trial experience at the ready.

When settlement makes sense, we have successfully negotiated fair and creative settlements of complex class and collective claims – settlements that received the required court approval while also protecting our clients' interests and curtailing their financial burden.

Our consistent priority is to provide dependable counsel with an attention to costs, both tangible and intangible, at all stages. We work closely with our clients to identify and evaluate their legal and business interests and to implement an intentional litigation strategy to resolve the case efficiently, cost-effectively and wisely.

## About Bond, Schoeneck & King

Bond, Schoeneck & King PLLC serves individuals, companies and public-sector entities in a broad range of areas.

With 250 lawyers and 13 offices, we represent clients in manufacturing; agribusiness; commercial lending and real estate and construction; energy; health care and long term care as well as municipalities, school districts, higher education and other exempt and nonprofit organizations. We maintain nine offices across New York; and one each in Boston; Kansas City; Naples, Florida and Red Bank, New Jersey.

Bond is committed to understanding our clients' needs and providing comprehensive, practical, high-quality and responsive solutions. We strive to maintain the highest professional and ethical standards, and to provide leadership in community activities, pro-bono work and service to the Bar.

For more information, visit [bsk.com](http://bsk.com).

**Recent class and collective action experience includes:**

- Obtained the denial of class certification and early dismissal in an action alleging that Bond's client, a large not-for-profit social services agency in New York City, failed to pay prevailing wages and supplemental benefits owed to certain classifications of employees.
- Defended a medical device manufacturer in an ERISA class action, winning a motion for class decertification and summary judgment dismissing the class action complaint in its entirety.
- Raised a pre-discovery challenge to a putative FLSA collective action brought against a hospitality industry client. The strategy was based on a little-used exemption defense and resulted in a voluntary dismissal of the federal court action by plaintiffs' counsel.
- Obtained the early dismissal of a putative consumer class action alleging claims of deceptive trade practices and false advertising against one of the country's largest furniture retailers.
- Obtained the dismissal of a putative shareholder class action challenging a bank acquisition.
- Defended one of New York State's "Big 5" school districts in an FLSA collective action, negotiating a favorable court-approved settlement after significantly reducing the scope of the claims through early motions to dismiss.
- Negotiated favorable settlements for multiple owners/operators of hotels, restaurants, and online retailers in connection with class actions brought by disabled individuals alleging violations of the ADA based on website accessibility.
- Obtained the denial of class certification for minimum wage, spread-of-hours, Wage Theft Prevention Act, and Wage Parity Act claims for a health care employer.
- Obtained significant limitations to a conditionally certified collective action for overtime claims under the FLSA for a marketing industry client.
- Obtained summary judgment for one of the largest privately owned road construction companies in the Northeast United States in connection with a breach of contract case filed by a group of several hundred current and former employees alleging underpayment of supplemental benefits.

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