



## PRACTICE LITIGATION

### Class Actions

#### PARTNERS

CHRISTOPHER E. KOZAK

SEAN M. HIRSCHTEN

AMY E. ROMIG

THAO NGUYEN

JOHN D. MORIARTY

GREGORY M. GOTWALD

JONATHAN P. EMENHISER

DANIEL P. CORY

JEFFREY D. CLAFLIN

CHRISTOPHER J. BRAUN

TONYA J. BOND

JOANNE R. SOMMERS

RYAN T. LEAGRE

COLIN E. CONNOR

JEFFREY D. FEATHERSTUN

#### ASSOCIATES

CHRISTOPHER E. KOZAK

#### OF COUNSEL

PETER M. RACHER

GEORGE M. PLEWS

JEFFREY A. TOWNSEND

F. RONALDS (“RON”)

#### OVERVIEW

We have significant class action experience. Our lawyers have both prosecuted and defended class action claims. For example, we represented a landfill operator in a toxic tort lawsuit pressed by scores of plaintiffs seeking more than a billion dollars in damages and obtained judgment on all claims. We also represented the State of Indiana in its successful tobacco litigation, in which the state obtained more than \$4 billion. In two separate matters involving air emissions we defended a manufacturer against class odor claims and represented a class prosecuting claims against a different manufacturer for damage to their homes.

#### EXPERIENCE

- *Lindsey v. DeGroot*, 898 N.E.2d 1251 (Ind. Ct. App. 2009) (Determined Indiana’s Right to Farm Act was constitutional and applied to bar the nuisance claim of a neighbor against DeGroot Dairy).
- *The Sierra Club v. Gates*, 499 F. Supp. 2d 1101 (S.D. Ind. 2007) (successfully defended action which sought to enjoin continuing shipments of the product of the hydrolysis of the chemical warfare agent VX from a depot in Indiana to Veolia Environmental Service’s incineration facility in Texas)
- *Pound v. Airosol Co., Inc.*, 316 F.Supp.2d 1079 (D. Kan. 2004) and 498 F.3D 1089 (10th Cir. 2007) (obtained summary judgment holding competitor’s product, which contained ozone-depleting substances violated the Clean Air Act and establishing a competitor’s right in the Tenth Circuit to recover attorney fees in bringing a successful citizen’s suit under the Clean Air Act)
- *Raybestos Prods. Co. v. Indiana Dept. Env’tl. Mgmt.*, Cause No. 49D12-0209-PL-001553 (Marion County Superior Court—summary judgment July 6, 2004, June 12, 2006)



WALKER

CHRISTINE C. H. PLEWS

ANGELA M. GREEN

judgment (\$11.6 million) & October 30, 2006 (\$4.7 million), (obtained a \$16 million judgment against the Indiana Department of Environmental Management for renegeing on an agreed order for a risk-based PCB cleanup, reversed on appeal)

- *Port Comm'n v. Consolidated Grain & Barge Co.*, 701 N.E.2d 882 (Ind. Ct. App. 1998) (preliminary injunction regarding use of rail and port facilities)
- *Natural Gas Odorizing, Inc. v. Downs*, 685 N.E.2d 155 (Ind. Ct. App. 1997) (duty to warn gas users)
- *Town of Montezuma v. Downs*, 685 N.E.2d 108 (Ind. Ct. App. 1997) (negligence per se claims involving a gas explosion)

[Include significant environmental and insurance coverage cases?]