

April 2023 Class Action Blog Summary

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What are the most significant judicial decisions affecting class action litigation, and how might they impact your business?

Our attorneys tackle these questions, and more, in our blog, [Consumer Financial Services Law Monitor](#). The following overview provides summaries of our most recent posts, which include case summaries, key takeaways, and practical insights affecting class action litigation.

Do you have a question or comment about the information presented in our posts? Please contact [Scott Kelly](#) and [Mary Zinsner](#), partners in our financial services litigation practice.

About Our Class Action Practice

Troutman Pepper's national class action litigation team defends bet-the-company class actions across the U.S. We have successfully defended class actions in more than 35 states, including California, Florida, Illinois, and West Virginia.

We have a long track record of resolving class actions for clients in diverse industries and affecting a wide range of legal and business concerns. Our team includes attorneys whose practices are dedicated to sectors such as financial services, insurance, hospitals and health care, pharmaceuticals and medical devices, retail, higher education, and more. We offer a deep bench of experienced attorneys in areas such as debt collection practices, data breach, privacy, products liability, securities, mass tort, unfair business practices, labor and employment, environmental, ERISA, and antitrust.

Featured Posts

[Fourth Circuit Affirms Dismissal Finding Dual-Purpose Auto Loan Not Covered by MLA](#)

Today, the Fourth Circuit Court of Appeals [issued](#) a much-awaited opinion affirming the dismissal of a servicemember's class-action suit brought under the Military Lending Act (MLA or Act) because, even though the secured automobile loan at issue financed guaranteed asset protection (GAP) coverage and other fees, the loan was still given for the "express purpose" of financing the car purchase. Accordingly, the Fourth Circuit held the loan satisfied the MLA's exception for secured, purchase-money car loans.

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[The Ninth Circuit Reinforces Narrow Interpretation of ATDS under Borden Holding System Must Generate](#)

Random or Sequential Telephone Numbers to Constitute an ATDS

On April 13, the Ninth Circuit issued an [opinion](#) affirming a district court's summary judgment order on the grounds that under *Borden v. eFinancial, LLC*, discussed [here](#), to qualify as an automatic telephone dialing system (ATDS) under the Telephone Consumer Protection Act (TCPA) the telephone system must store or produce randomly or sequentially generated *telephone* numbers, not just any numbers.

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No Standing for Injunctive Relief: Eleventh Circuit Vacates Brain Performance Supplement Class Action Settlement

On April 12, the Eleventh Circuit Court of Appeals vacated an \$8 million class-action settlement for lack of standing. While the issue was not raised by the district court or either party on appeal, the court ruled that the plaintiffs lacked standing to seek injunctive relief because they did not allege they planned to purchase again the brain performance supplements at issue.

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