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## Supreme Court Oral Argument Tomorrow Will Consider Whether Paying All Claims Moots a Case

*(Campbell-Ewald Co. v. Gomez)*

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WASHINGTON, DC—The U.S. Supreme Court will hear oral argument tomorrow, Wednesday, October 14 at 11 a.m., to consider whether a case should be dismissed as moot when the defendant has offered a plaintiff everything he sought in his lawsuit. The Court’s decision in *Campbell-Ewald Co. v. Gomez* could have a significant impact on the ability of some plaintiffs to maintain class actions. WLF filed an *amicus* brief in the case in support of the defendant.

WLF Chief Counsel Richard Samp, who will attend the oral argument, will be available tomorrow afternoon to discuss the case and its likely outcomes. WLF’s brief argued that no actual controversy exists between the parties once the defendant has offered to provide complete relief, and that a plaintiff has no right to insist on a trial of his claims when he has already been offered everything he could hope to win at a trial.

Plaintiffs’ lawyers resist the notion that an offer to pay all of a plaintiff’s claims should end the case. Lawyers representing single plaintiffs often hope their client will be named as the representative of a nationwide class of similarly-situated individuals. The certification of a large class can be extremely lucrative for the plaintiff’s lawyer, particularly because a defendant’s only practical option following certification of a large class is quite often to settle the case.

In this case, plaintiff contends that Campbell-Ewald Co. violated a federal anti-spam law when it sent a text message to the plaintiff’s cell phone on behalf of the U.S. Navy. The plaintiff has refused Campbell-Ewald’s offer to give him everything requested in his lawsuit, because doing so would avoid the possibility of class certification—and require his lawyer to find a new client.

In advance of oral argument, WLF issued a statement by Chief Counsel Richard Samp: “The lower courts overstepped their bounds here when they sought to enforce a federal law, despite the absence of any live controversy between the parties to the lawsuit. Article III of the U.S. Constitution confines federal courts to deciding actual disputes. Once the parties no longer disagreed about the plaintiff’s right to recover all his damages, the lower courts were required to bring this case to an end.”

*WLF is a free-market, public interest law firm and policy center that devotes substantial resources to advocating for limited government and fighting the scourge of excessive litigation.*