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November 7, 2013

Media Contact: Richard Samp | 202-588-0302

WLF Urges High Court to End Class Action Status in “Smelly Washers” Cases

(Sears, Roebuck and Co. v. Butler/ Whirlpool Corp. v. Glazer)

“Courts should not permit class actions to go forward unless the claims of all plaintiffs are nearly identical and can be validated or rejected based on a single set of facts. When, as here, courts improperly agree to combine the claims of hundreds of thousands of consumers where each claim is based on a unique set of facts, the defendant is essentially forced to settle.” – Richard Samp, WLF Chief Counsel

WASHINGTON, DC—The Washington Legal Foundation yesterday urged the U.S. Supreme Court to review lower court rulings that, if allowed to stand, will make it much easier for plaintiffs’ lawyers to gain class action status for their lawsuits. WLF charged that two appeals courts inappropriately permitted widely disparate consumer complaints against the manufacturer and retailer of front-loading washing machines to be consolidated into a single case.

The plaintiffs are four individuals who contend that their washers were defective because they began emitting musty odors after regular use. The federal appeals court in Cincinnati certified two of the plaintiffs as representatives of a class of thousands of Ohio consumers who purchased front-loading washers manufactured by Whirlpool. The federal appeals court in Chicago certified the other two plaintiffs as representatives of a class of thousands of consumers in six other States who purchased washers from Sears, Roebuck that had been manufactured by Whirlpool. The defendants have petitioned the U.S. Supreme Court to review those decisions.

WLF filed a brief yesterday urging the Court to grant those petitions and ultimately overturn the appeals court decisions. It asserted that the appeals courts flatly ignored recent Supreme Court decisions that reined in class actions. WLF filed its brief on behalf of itself and the International Association of Defense Counsel.

Following the filing, WLF issued the following statement by Chief Counsel Richard Samp:

“Courts should not permit class actions to go forward unless the claims of all plaintiffs are nearly identical and can be validated or rejected based on a single set of facts. When, as here, courts improperly agree to combine the claims of hundreds of thousands of consumers where each claim is based on a unique set of facts, the defendant is essentially forced to settle.”

WLF is a public interest law and policy center with supporters in all 50 States. WLF regularly litigates in support of tort reform, to ensure that the costs of unwarranted lawsuits do not drive up costs for all consumers.

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