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WLF Applauds Ohio Supreme Court's Decision to End Class Action Status of "Cracked Windshield" Case

(Cullen v. State Farm Mut. Automobile Ins. Co.)

**"Class actions of this sort—in which the claims of each policyholder turn on facts specific to him—are virtually never appropriate because they could never be brought to trial; yet they serve the purposes of the plaintiffs' bar by imposing tremendous settlement pressure on defendants."
—Richard Samp, WLF Chief Litigation Counsel**

WASHINGTON, DC—The Ohio Supreme Court this past week overturned a lower-court decision that certified a massive class action against an insurance company. A policyholder whose chipped windshield the defendant repaired later decided that the defendant should instead have provided him with cash equal to the cost of replacing his windshield and filed suit. The trial court certified him as the representative of a class of 100,000 Ohio policyholders whose windshields were repaired over the last 20 years.

The decision was a victory for the Washington Legal Foundation (WLF), which called on the Court to decertify the class. The Court agreed with WLF that the plaintiff failed to demonstrate that the case raised common questions of fact that predominated over questions affecting individual members of the class. Absent such a showing, the Court ruled, certifying a plaintiff class is inappropriate because a trial of the class action would not be manageable.

In its brief, WLF argued that whether each policyholder was misled by the company into agreeing to windshield repair (as opposed to complete replacement) would have to be litigated on a policyholder-by-policyholder basis. The Court agreed with WLF that such a trial would be unmanageable if each of the 100,000 policyholders were called to testify regarding his unique set of reasons for agreeing to have his windshield repaired.

WLF issued the following statement on the decision by Chief Litigation Counsel Richard Samp:

"There is little doubt that the only reason the plaintiffs' lawyers sought class certification was to coerce the defendant into settling the case without regard to the merits of the plaintiffs' claims. Class actions of this sort—in which the claims of each policyholder turn on facts specific to him—are virtually never appropriate because they could never be brought to trial; yet they serve the purposes of the plaintiffs' bar by imposing tremendous settlement pressure on defendants."

WLF is a public interest law firm and policy center that regularly litigates in support of civil justice reform, to ensure that unwarranted lawsuits do not drive up costs for all consumers.

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