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Winston Attorney Discusses Inadequacy of Class Counsel Win with Law360 and The Recorder

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Los Angeles-based Associate Drew Robertson was quoted in two *Law360* articles and a story in *The Recorder* concerning a federal class action lawsuit in which she successfully obtained an order determining that plaintiffs' counsel was not adequate to represent the putative class. The case stems from plaintiffs' accusation that nutritional supplement company EFT Holdings, Inc. and certain of its officers and directors falsely advertised products and operated an endless chain scheme. Plaintiffs seek over $100 million in damages.

Plaintiffs filed this new class action lawsuit after Associates Ian Eisner, Jason Hamilton, and Shawn Obi, successfully struck the class claims in two related actions against EFT. For more details on those cases, click here.

Following the prior unsuccessful suits against EFT, a member of the putative class also filed a separate class action lawsuit in California state court alleging that plaintiffs' counsel flubbed by failing to file a motion for class certification on time, resulting in their claims being tossed.

In arguing that plaintiffs' counsel was not adequate to represent the class, Ms. Robertson stated that allowing counsel to stay on the case would boost the risk that EFT could be drawn back into court in further suits over whether the class had been adequately represented. She also noted that at least one of the attorneys who missed the class certification deadline in the earlier suits was still involved in the case.

In her order, Judge Fischer wrote: "A lawsuit against a firm arising from the firm's conduct in the identical case where the firm is seeking to represent absent class members certainly creates at least the 'appearance of divided loyalties of counsel.'"

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