

Winston Defeats Class Certification for Panasonic for the Third Time

AUGUST 31, 2018

Winston & Strawn secured an important victory for Panasonic Corporation, Panasonic Corporation of North America, SANYO Electric Co., Ltd., and SANYO North America Corporation (Panasonic) when the Northern District of California granted Panasonic's motion to strike Indirect Purchaser Plaintiffs' (IPPs) third attempt at class certification in *In re Lithium Ion Batteries Antitrust Litigation* multidistrict litigation.

Plaintiffs alleged a price-fixing conspiracy in the U.S. market for lithium-ion rechargeable batteries. After Winston defeated IPPs' first two motions for class certification, IPPs filed a third motion further narrowing their proposed class to individuals who purchased a portable computer from January 1, 2007 to May 31, 2011. Winston moved to strike IPPs' third motion for class certification on the grounds that it violated prior orders of the court and could not meet the applicable standards for reconsideration.

Winston argued that IPPs failed to seek leave to file a third class certification motion, violated the court's scheduling order, did not identify any change in law warranting reconsideration, and presented no new evidence. District Court Judge Yvonne Gonzalez Rogers agreed, concluding that "in the context of multi-district litigation such as this, it would set a dangerous precedent to permit filing of renewed motions for class certification . . . without any request or justification for seeking leave to do so."

The Winston team was led by partners Jeffrey Kessler, Eva Cole, and Jeffrey Amato, and included associate Michael Toomey. Winston attorneys were recognized as "Legal Lions" in the September 6 issue of [Law360's Weekly Verdict: Legal Lions and Lambs](#).

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