

Voluntary Dismissal of Class and Collective Action in Nationwide Age Discrimination Case

Winston represented a major national telecommunications company and media conglomerate in a class and collective action asserting claims on behalf of a putative nationwide plaintiff class against a putative nationwide defendant class of scores of employer defendants. In one of the first cases of its kind, plaintiffs alleged that employers targeted job advertisements on Facebook to candidates who fell into certain age brackets, thereby violating state and federal age discrimination laws. After plaintiffs amended their complaint multiple times, defendants moved to dismiss the complaints on jurisdictional, standing, and other grounds, and also moved to strike the class and collective allegations. Defendants argued, among other things, that their use of Facebook (a non-party) for job advertising was not enough to establish personal jurisdiction in the Northern District of California, that plaintiffs lacked standing to assert age discrimination claims, and that plaintiffs had failed to state age discrimination claims under federal or state laws. Additionally, Winston separately moved to sever our clients from the case, arguing they had been improperly joined, and asked the court to transfer any remaining action against our clients to the Northern District of Georgia, where they were headquartered. Faced with powerful arguments for severance and transfer, plaintiffs ultimately agreed to voluntarily dismiss, without prejudice, their lawsuit against our clients. This case's significance is magnified by the recent and ongoing examination of social media advertising practices.

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