

Class Action Group Of The Year: WilmerHale

By Jonathan Capriel

Law360 (February 19, 2025, 4:00 PM EST) -- WilmerHale helped Norfolk Southern navigate a wave of class actions over the fiery derailment and chemical spill in East Palestine, Ohio, shepherding it to a \$600 million settlement resolving claims for a class of nearly half a million people and earning the firm a spot among the 2024 Law360 Class Action Groups of the Year.

There are more than 500 litigators at WilmerHale and a significant percentage of them at any given time are involved in class action work, said Albinas Prizgintas, a partner at the firm. Teams and locations are not siloed but rather work together seamlessly, their focuses complementing each other, he said.

"The core strength of our class action practice is our strategic thinking at every phase of the litigation and our cross-disciplinary approach," he said. "Our firm really excels at proceeding with class cases in parallel with regulatory investigations and congressional proceedings."

One of the best examples of WilmerHale's approach was the lawyering it did in the Norfolk Southern case. Immediately after the Feb. 3, 2023, derailment, the railroad company faced dozens of individual and proposed class actions, along with federal regulatory and environmental inquiries, Prizgintas said.

The team at WilmerHale secured a \$600 million settlement in April with the consolidated class and final approval from an Ohio federal judge in September. The railroad company is still fending off objections to the deal in the Sixth Circuit.

While negotiating this deal, the firm also represented Norfolk Southern in an action brought by the U.S. Environmental Protection Agency, which reached a \$350 million settlement. Prizgintas emphasized the need to work in tandem with attorneys on that case.

"We are able to seamlessly work together with our regulatory teams," he said. "Working together, we were able to find what we believed was the best deal for our client."

Among the big clients WilmerHale represented in the past year was Walt Disney Parks and Resorts U.S. Inc. as it fought off claims from annual passholders who accused the company of predatory business practices by allegedly keeping in place pandemic-era restrictions on their tickets. The Disney plaintiffs



sought some \$70 million in damages and attorney fees.

Attorney Ryan Chabot was among those who helped secure an "across the board" win for Disney by convincing a Florida federal judge to both deny the Disney plaintiffs their bid for class certification and grant the company a summary judgment.

The WilmerHale team has considerable experience in false advertising litigation, so there was the "win we got, and there was the win we were ready to achieve if we didn't get this one," Chabot said.

During the course of discovery, counsel was able to develop a "three-dimensional" explanation of the annual passes' terms and conditions, Chabot said. With a company as popular as Disney, there's a lot in the public record as to what people believe these terms mean, he said. But the team left no room for ambiguity, and the judge agreed with Disney's arguments that there was no factual dispute, Chabot said.

Chabot also highlighted the team's "day one" approach to the litigation, which allowed them to "stare down the risk of a class certification."

"Most class litigation reaches a settlement because there is big money at stake and the risks are so high," Chabot said. "But, from day one, WilmerHale litigates as if it is ready to go to trial. And we are set apart from other class action practices in that we have a deep bench of litigators on the team who can take these cases to trial."

Also notable is WilmerHale's work for Bank of America, where it successfully fended off a proposed class of Zelle users seeking \$180 million over losses they allegedly suffered due to fraud on the peer-to-peer payment platform.

Since it was filed in 2023, the practice group successfully whittled down the complaint's seven claims. In September, the trial judge issued a tentative order siding with BofA, and two days later, the company secured a denial of class certification and summary judgment dismissal of the remaining claims.

--Editing by Kelly Duncan.