

Class Action Group Of The Year: Morgan Lewis

By **Mike Curley**

Law360 (February 3, 2026, 4:00 PM EST) -- Knowing the ins and outs of class action law and having wide experience throughout the firm has led Morgan Lewis & Bockius LLP to victories defending clients such as Freddie Mac, Deloitte and Amazon Web Services against billions in exposure, earning the firm a spot among the 2025 Law360 Class Action Groups of the Year.

Scott Schutte, one of the class action group leaders at Morgan Lewis, told Law360 that while other firms may not have such a practice group, Morgan Lewis recognizes that class actions differ from individual liability suits, and so focuses on understanding Rule 23 — the federal law governing class actions — and working with it every day.

Attorneys in the class action group meet once a month, he said, to discuss and educate one another on new issues, developments and trends in the class action space, which in turn becomes a dialog and sharing of experience.

Attorneys in other practice areas in the firm, like privacy, also call on the class action group to assist when they face a mass tort, Schutte said, adding that bringing to bear that experience and an aggressive litigation style has netted it big wins over the years.

"These are folks who really know Rule 23 in and out," he said.

April Ross, also a leader of the practice group, said that in addition to focusing internally on class action as a practice, the firm has launched a Class Action Academy webinar to help educate clients. She said this is an offshoot of focused, internal knowledge-gathering across the firm's practice areas to make sure both attorneys and clients understand what's happening in the class action space.

This approach has paid off, the attorneys said, noting a case against Freddie Mac over securities fraud claims that started in 2007 and went through several rounds of dispositive motions and appeals before the firm secured a summary judgment in the company's favor in August.

The plaintiffs in that case, a company that provides retirement benefits and health coverage to retired public employees, sued in the wake of the 2008 housing crisis, alleging that Freddie Mac concealed its exposure to subprime loans prior to disclosing a \$2 billion loss in November 2007, which sent stock prices falling.



The firm's depth and breadth of knowledge was important in the long-running, multifaceted case, Schutte said, as it involved extremely complex factual and legal issues, with the potential exposure making a settlement difficult, if not impossible.

Schutte also credited the firm's success to its aggressive approach to litigation, saying while many defense firms will "let cases come to you" and take a slower approach, the Morgan Lewis group can come out swinging, seeking a faster briefing schedule on class certification and summary judgment.

Morgan Lewis' approach also helped in the Amazon Web Services Inc. case, in which the firm secured dismissal of claims under Illinois' Biometric Information Privacy Act, or BIPA, that the tech giant was illegally collecting voice data from customer calls to insurance company John Hancock.

Rather than wait for discovery to work itself through, Schutte said, the firm agreed to an aggressive briefing schedule and was able to file a motion for summary judgment attacking the plaintiffs' argument that Amazon was creating biometric data instead of just voice recordings.

Although BIPA is a "disastrous statute for defendants," Schutte said, the firm was able to secure summary judgment in October 2024 in the Delaware case, with the judge chastising the plaintiffs as having "frivolous" arguments.

"When I spoke to our colleagues who worked on the case, they believe it's one of the few, and maybe the only case, in which summary judgment has been granted on behalf of a defendant in a BIPA case," he said.

Aggressiveness, along with a focus on pleading standards, also led to the firm's win in the Deloitte case, an Employee Retirement Income Security Act case over allegedly unnecessary record-keeping fees, Ross told Law360. She said that case provides an example of the class action practice working hand in hand with the appellate practice as the case wound its way up to the Second Circuit, which in December 2024 affirmed a New York federal district court's dismissal.

ERISA is an area where class actions are growing, Ross said, so strong motions practice and follow-up through appeal helps ensure that plaintiffs are held to the proper pleading burden. She said the Second Circuit's decision "put teeth" into those pleading standards and could impact the overall development of class actions in that space as a critical precedent.

In that case, she said, the plaintiffs had an expert declaration alongside the complaint that said other plans available to Deloitte offered similar services for lower fees, but the firm was able to convince the judges in the Second Circuit that the allegations were still insufficient because they only considered direct, not indirect, costs.

"We don't frequently see expert evidence being submitted at the complaint stage and needing to be dismissed at the motion to dismiss stage," Ross said. "I think that added a layer of complexity to the case, and in particular to the appeal of the dismissal of the case on the pleadings that's made it a little unique."

Looking ahead, Schutte said, Morgan Lewis will continue to explore new areas of interest, such as privacy theories under acts like BIPA, data breach claims and the employment space, where ERISA cases are on the rise.

Schutte said the plaintiffs bar will continue to pose new challenges as it has in the past, such as when the bar responded to the advent of arbitration agreements and class action waivers by finding ways to file mass arbitration cases.

"I've now been doing this long enough that I've been through three cycles of 'the death of class actions,'" Schutt said. "But the plaintiffs bar has continued to file these cases, and we're as busy as we've ever been."

--Editing by Amy French.

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