9th Circuit Tosses Appeals Of Orders Partly Denying Dismissal In Social Media MDL

Mealey's(R) Litigation Report: Cyber Tech & E-Commerce

Online ISSN: 2158-5733 , Print ISSN: 1535-718X

August 2026

Cite: 28-6 Mealey's Litig. Rep. Cyber Tech & E-Com. 10 (2026)

Section: Volume 28, Issue #6

Length: 2009 words

Dateline: SAN FRANCISCO

Body

The Ninth Circuit U.S. Court of Appeals dismissed appeals by Meta Platforms Inc. and TikTok Inc. of lower court orders denying in part their motions to dismiss several claims based on their asserted immunity under Section 230 of the Communications Decency Act (CDA) in a product liability multidistrict litigation over the purported addictive qualities for adolescents of several of the largest social media platforms, finding that the appellate court lacks jurisdiction under the collateral order doctrine (People of the State of California, et al. v. Meta Platforms Inc., et al., No. 24-7032, Personal Injury Plaintiffs, et al. v. Meta Platforms, Inc., et al., No. 24-7037, State of Colorado, et al. v. Meta Platforms, Inc., et al., No. 24-7265, Multistate Attorney General Plaintiffs, et al. v. Meta Platforms, Inc., et al., No. 24-7300, Personal Injury Plaintiffs, et al. v. Facebook Holdings, LLC, et al., No. 24-7304, *Personal Injury Plaintiffs, et al. v. ByteDance Ltd., et al., No. 24-7312, 9th Cir., 2026 U.S. App. LEXIS 24053*).

(Opinion available 24-260818-066Z)

Judge Jacqueline H. Nguyen delivered the Aug. 10 opinion for a Ninth Circuit panel also comprising Judge Mark J. Bennett and U.S. Judge Kiyo A. Matsumoto of the Eastern District of New York, sitting by designation, holding that while Section 230, *47 U.S.C. 230 et seq.*, "provides a defense to liability," it does not provide "immunity from suit," noting that this "is a sufficient basis to conclude that we lack appellate jurisdiction."

The MDL in the U.S. District Court for the Northern District of California is for lawsuits alleging that Meta's social media platforms Facebook and Instagram, as well as other social media platforms, encourage addictive behavior, fail to conduct proper age verification and fail to establish safeguards to prevent children from exposure to harm.

Cases Centralized

In October 2022, the MDL, which ultimately grew to include thousands of suits, was established in the District Court against Meta and related entities (collectively Meta) and CEO Mark Zuckerberg; Snap Inc., which operates Snapchat; ByteDance Ltd. and related entities that operate TikTok (collectively, TikTok); and Google LLC, which operates YouTube. The companies are accused of allowing adolescents to use their social media platforms and websites despite knowing the risk of youth addiction and personal injury.

Among the platforms' features that purportedly lead to addictive behavior are endless content, lack of screen time limitations, intermittent variable rewards, ephemeral content, filters and notifications. The lawsuits were filed by parents on behalf of their minor children as well as by school districts, the Florida attorney general and multiple state attorneys general.

An amended master complaint for personal injury plaintiffs was filed in the MDL in April 2023.

CDA Immunity

On Nov. 14, 2023, Judge Yvonne Gonzalez Rogers partly granted the defendants' dismissal motion, granting dismissal "on Section 230 [of the CDA] grounds as to plaintiffs' products liability design defect claims."

On Dec. 12, 2023, the defendants moved for certification of the dismissal ruling for the purpose of filing an interlocutory appeal to have the Ninth Circuit address the case's "novel questions of law."

Amended Complaint

On Dec. 15, 2023, the personal injury plaintiffs filed a second amended complaint, asserting claims for negligence, strict liability, fraudulent concealment and misrepresentation, negligent concealment and misrepresentation, negligence per se, violation of states' unfair trade practices/consumer protection laws, violation of *Title 18 U.S. Code Sections 2255* and *2252*, *18 U.S.C. 2255* and *2252*, wrongful death, survival and loss of consortium and society.

Three days later, local governments and school districts filed a complaint against the same defendants as in the personal injury plaintiffs' complaint, asserting that the defendants' platforms are designed to promote addictive behavior in teens and children.

Zuckerberg moved to dismiss the claims asserted against him in his personal capacity, which Judge Rogers granted April 15, 2024.

In a first amended master complaint filed in March 2024 by school districts and local governments, the plaintiffs assert claims against the defendants for public nuisance and negligence regarding the social media companies' intentional design of their platforms to encourage addictive behavior in children and failure to warn the plaintiffs and the public about the harm caused by their platforms.

Meta moved to dismiss claims filed against it by multistate attorneys general, the Florida attorney general and the personal injury plaintiffs regarding consumer protection and misrepresentation.

The defendants moved to dismiss the school district complaint.

Rulings

Judge Rogers denied the motion to certify on Feb. 2, 2024, finding that an appeal "would be disruptive to this litigation as well as to coordination efforts external to the MDL."

Judge Rogers issued an order on Oct. 15, 2024, mostly denying Meta's motion to dismiss the Florida and multistate attorneys general claims and the consumer protection and misrepresentation claims.

Granting in part and denying in part the defendants' motion to dismiss the school district complaint on Oct. 24, 2024, the judge declined "to hold Section 230 bars liability predicated on a failure to warn of known risks of addiction attendant to any platform features or as to platform construction in general."

Zuckerberg Dismissal Motion

On Nov. 7, 2024, Judge Rogers granted Zuckerberg's motion to dismiss the personal injury plaintiffs' claims against him for corporate officer liability.

Meta appealed the Oct. 15 and Oct. 24 orders to the Ninth Circuit.

Meta argued that the District Court's denial of Section 230 immunity is immediately appealable as a collateral order.

TikTok filed joinder briefs in the Ninth Circuit, saying it was joining Meta's opening and reply briefs.

The plaintiffs filed cross-appeals on the District Court's partial grant of Section 230 immunity, maintaining that because the Ninth Circuit lacks jurisdiction over the dispute, all appeals should be dismissed.

On Nov. 22, 2024, the Ninth Circuit issued an order stating that it had decided to process the appeal as a large-party case.

Amicus curiae briefs in support of the appellees were filed by Vermont, New Hampshire, Arkansas, the District of Columbia, Massachusetts, Mississippi, Nevada, New Mexico, Oklahoma, Tennessee and Utah; and Electronic Privacy Information Center, Common Sense Media, Cybersecurity for Democracy and Tech Justice Law Project.

Nov. 15 Order

On Nov. 15, 2024, Judge Rogers granted the motion to dismiss regarding the public nuisance claims under the laws of Illinois, New Jersey, Rhode Island and South Carolina.

The judge also denied dismissal of the school district complaint "as to public nuisance's substantive elements" and addressed the dismissal motion regarding the public nuisance claims under the laws of 19 states.

The judge declined "to rule on the issue of whether defendants have unreasonably interfered with a public right to education."

9th Circuit Dismissal

In the opinion at hand, the Ninth Circuit dismissed Meta's and TikTok's appeals of the Oct. 15 and Oct. 24, 2024, orders, finding that because Section 230 "merely provides a defense to liability-not immunity from suit-we lack appellate jurisdiction to review the district court's rulings on an interlocutory basis. Therefore, we dismiss Meta's and TikTok's appeals and plaintiffs' conditional cross-appeals."

The panel addressed Meta's argument that rulings denying Section 230 immunity are collateral orders that can be immediately appealed pursuant to *Title 28 U.S. Code Section 1291*, *28 U.S.C. 1291*.

The panel explained that under *Cohen v. Beneficial Indus. Loan Corp., 337 U.S. 541 (1949)*, the requirements allowing an appellate court to exercise jurisdiction under the collateral order doctrine are that the decision conclusively determines the disputed question, resolves an important issue separate from the merits of the case and is effectively unreviewable on appeal from a final judgment.

Addressing whether an order can be reviewed after a final judgment, the panel disagreed with Meta's argument that though Section 230 does not expressly provide immunity, immunity should be implied.

No Section 230 Immunity

Moreover, the panel disagreed with Meta's contention that the Ninth Circuit had held that Section 230 provides for immunity from suit in *Fair Hous. Council of San Fernando Valley v. Roommates.com, LLC, 521 F.3d 1157 (9th Cir. 2008)*, and *Carafano v. Metrosplash.com, Inc., 339 F.3d 1119 (9th Cir. 2003)*.

"Only the Tenth Circuit has squarely addressed the issue before us, and it concluded that section 230 'provides immunity from liability, not suit, and [a] district court's order [denying immunity] does not qualify under the collateral order doctrine,'" the panel wrote, quoting *Gen. Steel Domestic Sales, LLC v. Chumley, 840 F.3d 1178 (10th Cir. 2016)*.

Agreeing with the 10th Circuit's analysis, the panel explained that Section 230 does not give a party immunity from a suit.

Additionally, the panel explained that the other requirements under Cohen are not satisfied. It said the District Court did not conclusively decide the question in dispute and noted its willingness to address Section 230 immunity at some point later in the proceedings.

Further, the panel said the District Court ruling did not resolve an issue that was separate from the merits of the case because determining whether Section 230 applies requires considering whether a defendant is being treated as a publisher or speaker of third-party content when reviewing the facts alleged.

Concluding, the panel said, "Because the district court's order does not meet any of the three Cohen factors, it is not immediately appealable under the collateral order doctrine. Therefore, we lack appellate jurisdiction over Meta's and TikTok's appeals and plaintiffs' conditional cross-appeals."

Counsel

Meta is represented by Paul W. Schmidt of Covington & Burling LLP in Washington, D.C., and James P. Rouhandeh of Davis Polk & Wardwell LLP in New York.

TikTok is represented by Geoffrey M. Drake in Atlanta and David Mattern and Nicolas Mecsas-Faxon in Washington, all of King & Spalding LLP.

The states are represented by their respective attorneys general.

Amici Vermont, et al. are represented by their respective attorneys general or solicitors general.

Amici Electronic Privacy Information Center, et al. are represented by Megan Iorio and Tom McBrien of the Electronic Privacy Information Center in Washington.

The school district and personal injury appellees are represented by Jennifer Bennett in San Francisco and Matthew W.H. Wessler and Michael Skocpol in Washington, all of Gupta Wessler LLP; Lexi J. Hazam in San Francisco and Jason L. Lichtman and Gabriel A. Panek in New York, all of Lieff Cabraser Heimann & Bernstein LLP; Previn Warren and Abigail Burman in Washington and Mathew P. Jasinski in Hartford, Conn., all of Motley Rice LLC; and Andre Mura of Gibbs Mura LLP in Oakland, Calif.

(Additional documents available: Meta opening brief 24-260818-067B

TikTok joinder to opening brief 24-260818-068B

States answer brief 24-260818-069B

School district and local government appellees response brief 24-260818-070B

Meta reply brief 24-260818-071B

TikTok joinder to reply brief 24-260818-072B

States reply brief 24-260818-073B

School district and local government appellees reply brief 24-260818-074B

[23ANDME HOLDINGS: Calif. Bankruptcy Plan Blocks Data Breach Suit]

Troubled Company Reporter

August 19, 2026

Section: Vol. 30; ISSN: 1520-9474

Length: 455 words

Body

Vince Sullivan of Law360 Bankruptcy Authority reports that a Missouri bankruptcy judge ruled that California is barred from continuing its data breach lawsuit against reorganized 23andMe, concluding that the state's claims are precluded by the company's confirmed Chapter 11 plan. The court determined that the bankruptcy process resolved the treatment of covered claims against the debtor.

The dispute centered on whether California could continue pursuing litigation in state court after the company completed its reorganization. Counsel for the reorganized business maintained that the confirmation order shields it from further proceedings involving claims addressed in the Chapter 11 case, the report states.

In siding with the reorganized company, the judge said the confirmed plan has a binding effect on parties subject to the bankruptcy case. The ruling effectively prevents California from advancing the state court action while reaffirming the legal protections provided by a confirmed Chapter 11 plan, according to report.

About 23andMe Holding Co.

23andMe Holding Co. is a genetics-led consumer healthcare and biotechnology company in San Francisco, Calif. Through its direct-to-consumer genetic testing, 23andMe offers personalized insights into ancestry, genetic traits, and health risks. The company has developed a large database of genetic information from over 15 million customers, enabling it to provide health and carrier status reports and collaborate on genetic research for drug

development. On the Web: http://www.23andme.com/

On March 23, 2025, 23andMe and 11 affiliated debtors each filed a voluntary petition for relief under Chapter 11 of the U.S.

Bankruptcy Code (Bankr. E.D. Mo. Lead Case No. 25-40976). 23andMe disclosed $277,422,000 in total assets against $214,702,000 in total liabilities as of Dec. 31, 2024.

Paul, Weiss, Rifkind, Wharton & Garrison, LLP, Morgan, Lewis & Bockius, LLP and Carmody MacDonald, PC serve as legal counsel to the Debtors while Alvarez & Marsal North America, LLC serve as the restructuring advisor. The Debtors tapped Reevemark, LLC and Scale Strategy Operations, LLC as communications advisors and Kroll Restructuring Administration Services, LLC as claims agent.

Lewis Rice LLC, Moelis & Company LLC, and Goodwin Procter LLP serve as special local counsel, investment banker, and legal advisor to the Special Committee of 23andMe's Board of Directors, respectively.

Jerry Jensen, Acting U.S. Trustee for Region 13, appointed an official committee to represent unsecured creditors in the Debtors' Chapter 11 cases. The committee tapped Kelley Drye & Warren, LLP and Stinson, LLP as legal counsel and FTI Consulting, Inc. as financial advisor.

Load Date: August 19, 2026

Class Action

Manage Newsletters

Coinbase Loses Bid to Shed Investors' Regulatory Risk Claims (1)

Aug. 18, 2026, 1:36 PM PDT; Updated: Aug. 18, 2026, 2:18 PM PDT

Summary by Bloomberg AI AI Generated

- Coinbase Global Inc. investors scored a win in their suit alleging the company misrepresented hypothetical bankruptcy consequences and downplayed risks of regulatory scrutiny.
- The US District Court for the District of New Jersey judge denied Coinbase's bid to dismiss the investors' proposed class complaint and to reconsider prior rulings letting the proposed class action proceed.
- The investors alleged Coinbase CEO Brian Armstrong and Chief Financial Officer Alesia Haas made certain certifications, and that Armstrong certified regulatory risk statements, according to the unpublished opinion.

Coinbase Global Inc. investors scored a win in their suit alleging the largest US crypto platform misrepresented hypothetical bankruptcy consequences and downplayed risks of regulatory scrutiny.

Their new proposed class complaint identified the certifier of certain corporate statements, Judge Brian R. Martinotti said Tuesday, denying Coinbase's bid to dismiss them as improper group pleadings like he'd done in 2025.

The investors alleged Coinbase CEO Brian Armstrong and Chief Financial Officer Alesia Haas certified corporate bankruptcy risk statements, and that Armstrong certified regulatory risk ones, according to the unpublished opinion.

The US District Court for the District of New Jersey judge also denied Coinbase's bid to reconsider his prior rulings letting the proposed class action proceed, saying the crypto giant failed to demonstrate an intervening change in controlling law.

Coinbase had pointed to the Third Circuit's 2025 decision in *Handal v. Innovative Indus. Properties Inc,* which found defendants weren't "willfully ignorant" about a real estate investment trust's tenant victimizing it while making alleged misstatements.

But unlike that case, the facts in the Coinbase suit don't relate to the fraudulent actions of a third party, Martinotti said. More importantly, he said, the allegations supported an inference of executives' motive to mislead shareholders: "the reaping of billions of dollars in financial benefits by cashing out existing shares at inflated values following Coinbase's public listing before the public could learn about the risks associated with a potential bankruptcy and/or an enforcement action."

"We take our obligations to our shareholders seriously," a Coinbase spokesperson said in an emailed statement. "We appreciate the Court's consideration of our motion and we are prepared to defend these claims further as needed."

Martinotti in 2024 spared many of the investors' claims from dismissal. He held the prior version of their complaint sufficiently alleged misrepresentations about potential bankruptcy risks and that Coinbase downplayed the potential for Securities and Exchange Commission scrutiny before the Biden administration brought an enforcement action against it in 2023.

Last year, Martinotti trimmed alleged misstatements attributed solely through group pleadings, but said executives made alleged misstatements with the level of intent or recklessness to carry securities fraud claims.

The proposed class includes investors who got Coinbase stock from April 14, 2021, to June 5, 2023, and those who got it traceable to its market debut paperwork. Coinbase went public through a direct listing in 2021.

SEC Changes

The SEC under a more crypto-friendly Trump administration moved to end enforcement actions against digital asset entities, including its case accusing Coinbase of operating an illegal securities exchange. The Wall Street regulator Tuesday released a proposal to exempt certain digital asset offerings from securities registration statements.

In a win for Coinbase winnowing down a lawsuit brought by token holders, a federal court last month said the company is considered a "statutory seller" of securities only in limited contexts for trades on its crypto platform.

Kessler Topaz Meltzer & Check LLP is lead counsel for the investors. Attorneys didn't immediately respond to an email seeking comment. Latham & Watkins LLP represents Coinbase and current and former executives and directors.

The case is In re Coinbase Glob., Inc. Sec. Litig. , D.N.J., No. 2:22-cv-04915, unpublished 8/18/26 .

(Updates with Coinbase comment in seventh paragraph.)

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Florida woman files class action against homebuilder over data breach

courthousenews.com/florida-woman-files-class-action-against-homebuilder-over-data-breach

(CN) — A Florida woman is suing one of the nation's largest homebuilders after a data breach exposed the personal information of thousands of customers.

Lisa DiMeglio filed a class action Monday in Miami federal court against Lennar Corporation and its financial arm, Lennar Mortgage. DiMeglio claims the homebuilder was negligent in safeguarding its customers' private information, including Social Security numbers and financial account information, from a cyberattack in March.

Hackers infiltrated the company's computer systems in March, stealing files and data repositories containing private information, according to DiMeglio.

"The exponential cost to plaintiff and the class members resulting from the data breach cannot be overstated," DiMeglio says. "Criminals can use victims' names, birth dates, social security numbers, and addresses to open new financial accounts, rack up fraudulent charges, obtain government benefits and IDs, fabricate identities, file fraudulent tax returns and commit medical insurance fraud well before the person whose sensitive private information was stolen becomes aware of it."

A former Lennar employee, Robert Ramkissoon, filed a separate class action against the homebuilder Friday.

Lennar said in a notice posted online last week that the attackers used "sophisticated social engineering tactics" to access its systems between March 24 and March 30. The company contacted law enforcement and regulators and implemented additional security measures to protect its systems.

Danielle Tocco, a Lennar spokesperson, said in a statement Tuesday the company was notifying customers whose personal information was compromised in the attack and providing resources, including complimentary credit monitoring and identity protection services where appropriate.

"We remain committed to protecting the information entrusted to us and, above all, the people who placed it in our care," Tocco said.

Social engineering tactics, including "voice phishing" and fake CAPTCHA tests, are reportedly on the rise to gain access to companies' networks. Once inside, cybercriminals work to identify and access high-value data that can be stolen and sold on the black market.

DiMeglio claims in her suit that Lennar failed to adequately train its employees on social engineering attacks, monitor its systems for suspicious activity and encrypt sensitive information.

“Reasonable data security measures — such as network segmentation, access controls, employee training, encryption of sensitive data, intrusion-detection systems, advanced email security platforms with phishing detection, and regular vulnerability testing — were available, widely adopted in defendant’s industry, and necessary to protect the sensitive private information entrusted to defendant,” DiMeglio says.

DiMeglio is seeking to represent a class of all customers impacted by the March data breach, which she estimates numbers in the tens of thousands.

DiMeglio is represented by Stuart A. Davidson from the firm Robbins Geller in Boca Raton, Florida.

Judge weighs public relief in Google advertising antitrust dispute

DJ dailyjournal.com/articles/393753

A proposed antitrust class action against Google could remain in court rather than go to arbitration if a San Francisco judge finds that the plaintiff is seeking an injunction benefiting the general public, attorneys argued Monday.

Google is seeking to compel arbitration and stay court proceedings in a lawsuit accusing the company of monopolizing self-service advertising tools. Plaintiff Noah Stern argues that his claim under California's Unfair Competition Law seeks public injunctive relief and therefore cannot be forced into arbitration under the California Supreme Court's 2017 decision in *McGill v. Citibank, N.A.*

San Francisco Superior Court Judge Ethan P. Schulman heard arguments Monday after previously circulating a tentative ruling granting Google's motion to compel arbitration and stay the proceedings. Schulman did not issue a final ruling from the bench, instead taking the matter under submission and saying he would rule promptly.

"There is literally no way we can arbitrate the claim that's presented in this complaint. It's a claim that goes well beyond the plaintiff's individual issues," said Theodore W. Maya, a partner at Ahdoot & Wolfson PC who represents Stern.

The dispute centers on whether the injunction Stern seeks would primarily benefit the general public or only a discrete group of Google advertisers.

Stern, a San Francisco resident who says he has held a Google Ads account for years, sued Google in 2025. He alleges he suffered damages from the company's alleged tying scheme and monopolization of self-service ad-buying tools.

The suit is *Stern v. Google LLC*, No. CGC-25-629582 (San Francisco Super. Ct., filed Sept. 24, 2025).

The amended complaint, filed in June, alleges Google violated the Cartwright Act and the Unfair Competition Law (UCL). Stern claims Google used its alleged monopoly in online search and search advertising to monopolize the brokering of display advertising.

Display advertising refers to ads placed on third-party websites, according to the suit. Stern also alleges Google used unlawful methods to eliminate or diminish competition.

Maya argued that the injunction Stern seeks would benefit the general public because consumers view advertisements placed through Google's services. He also argued that antitrust laws are intended to benefit the public by protecting competition.

Schulman questioned that argument, noting that the proposed class described in the complaint consists of advertisers rather than the general public. He suggested that the broader public benefits Maya described appeared to be downstream effects that Stern hoped would result from the injunction.

Justina Sessions of Freshfields LLP, representing Google, argued that Maya was applying the wrong standard for distinguishing public from private injunctive relief.

"It is not enough to say there might be some diffuse benefit to the public," Sessions said. "All of these so-called alleged benefits to the public are second or third order downstream effects from the requested injunction."

Sessions also argued that the challenged conduct concerns the design of products used by commercial advertisers, rather than conduct directed at consumers.

"In order to be a member of this putative class, an advertiser actually has to have used the product to place an advertisement on a third-party website using Google Ads," Sessions said. "That's a very far cry from being a regular consumer or a member of the general public."

Google first moved to compel arbitration in December. In his June opposition, Stern argued that *McGill v. Citibank, N.A.* prevents enforcement of arbitration provisions that waive the right to seek public injunctive relief.

"In McGill, the California Supreme Court held that an agreement purporting to waive in all forums the statutory right to seek public injunctive relief under the [Unfair Competition Law] 'is invalid and unenforceable under California law,'" the opposition stated.

Sessions acknowledged that a UCL claim can seek public injunctive relief but argued that the court must determine whether the relief Stern actually seeks qualifies.

"The court needs to actually look at the nature of the products at issue and the nature of the challenged conduct, and therefore the injunction, to determine whether it is in fact public injunctive relief," Sessions said.

Maya countered that the relevant question is who would benefit from the requested injunction.

"I do think the point is that the test that the court should be looking at is whether the requested injunctive relief would benefit the public at large or a discrete class," Maya said.

Ting Liu

DJ dailyjournal.com/articles/393719

Ting Liu was a member of the litigation team in St. Clair County Employees' Retirement System v. Acadia Healthcare, a securities fraud class action alleging that the company and certain executives misled investors about care at Acadia's treatment facilities and about the company's financial performance and operations in the United Kingdom.

Liu litigated the case from the amended complaint to trial, developing the factual record, briefing legal issues, working with experts, and preparing the case for trial. St. Clair County Employees' Retirement System v. Acadia Healthcare Co., Inc., 3:18-cv-00988 (M.D. Tenn., filed Oct. 1, 2018).

"The case ultimately resulted in a $179 million recovery for investors just over a week before trial was set to begin, which was the second-largest securities class action recovery ever achieved in the Middle District of Tennessee," Liu said.

The litigation team faced gaps in the available evidence: the company maintained a short email retention policy, certain executives' emails had not been preserved, and documents from a key business division were unavailable after the division was sold. "This challenge required the team to be creative in how we developed the case and how we would rely on other contemporaneous documents to reconstruct events and establish what the evidence showed," Liu said.

Liu is a partner in the San Diego office of Robbins Geller Rudman & Dowd LLP, where she represents institutional and individual investors as lead plaintiffs in class and individual securities actions. Her practice covers every stage of litigation, from drafting complaints and briefing legal issues to managing discovery, taking and defending depositions, and preparing cases for trial.

Liu's path to securities litigation began during a judicial clerkship, where she observed a hearing in a high-profile securities case. "I realized I wanted a practice that combined intellectually challenging legal issues with meaningful advocacy on behalf of those who have been harmed," she said. That observation led her to plaintiffs' securities litigation.

Liu has been involved in several record-setting securities cases, including the $350 million settlement in the Alphabet litigation and the $350 million settlement in the First Solar litigation.

Liu credits her development to the litigation teams she has worked alongside rather than to a single mentor. She said colleagues have taught her strategic thinking, preparation, advocacy and leadership, and have modeled a willingness to invest in the development of others.

Liu described securities litigation as a practice that touches nearly every aspect of business, from accounting and finance to health care, FDA regulation, emerging technologies and regulatory investigations. She said the field rewards attorneys willing to take on unfamiliar subjects and become students of the facts.

"I would also encourage young attorneys to seek out opportunities to take ownership of their work, ask questions and learn from the people around them," Liu said.

Securities Suit Filed Against AI Company Blaize

dandodiary.com/2026/08/articles/artificial-intelligence/securities-suit-filed-against-ai-company-blaize

A newly filed securities class action lawsuit against AI computing company Blaize Holdings is an example of how a lawsuit involving an AI company may have little or nothing to do with artificial intelligence.

The lawsuit filed against Blaize on August 4, 2026, in the Central District of California, alleges that the company misled investors about major customer contracts, improperly recognized revenue, and created a false impression of growth (Blaize SCA). While Blaize markets itself as an edge AI infrastructure company, the allegations reflect a traditional securities fraud theory rather than claims involving AI governance, AI safety, or AI-related regulation.

As discussed below, the case offers a classic securities fraud fact pattern and may offer important takeaways for D&O underwriters of AI companies.

A copy of the complaint can be found here.

The Blaize SCA

Blaize describes itself as a provider of programmable, energy-efficient edge AI computing solutions, with products designed to support computer vision, multimodal AI, and other AI inference workloads across industries including smart cities, industrial automation, telecommunications, logistics, retail, and defense. Its shares trade on Nasdaq under the symbol BZAI.

The Blaize SCA names Blaize Holdings, CEO and co-founder Dinakar Munagala, and CFO Harminder Sehmi as defendants and is filed on behalf of investors who purchased the company's securities between July 18, 2025 and April 28, 2026. The complaint centers on Blaize's public statements concerning two purportedly significant business relationships.

First, the complaint challenges the company's July 2025 announcement of a collaboration with Starshine Computing Power Technology Limited, which Blaize described as carrying a minimum revenue value of $120 million over an 18-month period. According to the complaint, Starshine lacked meaningful business operations and did not appear to have proprietary products supporting the scope of the announced arrangement.

Shareholder plaintiffs also question Blaize's statements regarding NeoTensr. In April 2026, the company announced a contract expected to generate up to $50 million in revenue and stated that it had already recognized more than $20 million in revenue from a NeoTensr order in the fourth quarter of 2025. According to the complaint, NeoTensr was a newly formed company with limited capital and insufficient resources to support transactions of that magnitude, calling into question Blaize's revenue projections and reported revenue recognition. The complaint further alleges that NeoTensr and Starshine displayed rebranded third-party products on their websites and that Blaize similarly overstated its technological capabilities.

According to the plaintiffs, the truth was revealed on April 28, 2026, when short seller Pelican Way Research published a report questioning the legitimacy of the NeoTensr relationship. The report asserted that NeoTensr's website had been registered only months before the announced transaction, that the company had limited capital, and that it lacked the apparent resources to support a purported $20 million transaction shortly after its formation. The report also claimed that products displayed on NeoTensr's website appeared to be third-party products rebranded with NeoTensr and Blaize logos and drew parallels to Blaize's previously announced Starshine arrangement.

Plaintiffs allege that immediately following publication of the Pelican Way report, Blaize's share price declined 12.03%, falling from $2.16 to $1.90 per share. The Blaize SCA alleges violations of Sections 10(b) and 20(a) of the Securities Exchange Act of 1934 and SEC Rule 10b-5 against the company and certain of its senior executives.

Discussion

At first glance, the Blaize securities class action might appear to be part of the growing wave of AI-related securities litigation involving companies such as Tempus AI and Innodata. However, unlike those cases, the Blaize complaint does not allege that the company engaged in "AI washing," overstated the capabilities of its AI technology, failed to disclose AI-related risks, or misled investors about AI governance or regulation. Nevertheless, because the allegations arise from the company's AI-focused business and operations, the suit can fairly be characterized as AI-related securities litigation, bringing the total number of such actions filed in 2026 to 18.

Instead, the complaint advances a much more traditional securities fraud theory. The plaintiff alleges that Blaize created a misleading impression of growth through transactions with counterparties that allegedly lacked the operational capacity and financial resources to support the reported business opportunities, while also improperly recognizing related revenue. In that sense, the lawsuit arguably fits within the category of AI-adjacent securities litigation. Although Blaize operates in the AI sector, the allegations do not concern the company's AI capabilities, AI governance, or AI-related disclosures. Rather, they involve familiar securities litigation issues relating to customers, revenue recognition, and growth projections.

Nevertheless, the case remains noteworthy because it illustrates how investor enthusiasm for artificial intelligence can amplify disclosure risk. According to the complaint, the challenged transactions helped support a narrative of rapid growth in the AI infrastructure market. When questions later arose regarding those transactions, the resulting scrutiny from investors, analysts, short sellers, and plaintiffs' lawyers was heightened by the market's intense focus on AI-related companies.

The Blaize securities class action may also offer lessons for D&O underwriters of AI companies. One important takeaway is that evaluating AI-related risk involves more than assessing a company's technology, AI capabilities, or AI-related disclosures. Traditional underwriting considerations, including the quality of key customers and business partners, the financial strength of counterparties, revenue-recognition practices, the collectability of receivables, and the sustainability of reported growth, remain critical. Notably, the allegations in the Blaize complaint focus almost entirely on these traditional business and financial reporting issues rather than on any alleged shortcomings in the company's AI technology itself.

Ultimately, the Blaize SCA underscores an important point about the evolution of AI-related securities litigation. Although the company operates in the AI sector, the allegations involve customer, revenue-recognition, and disclosure issues that long predate the current AI boom. The case also serves as a reminder that, even for AI companies, traditional D&O underwriting fundamentals can be just as important as the underlying technology.

Energy Transfer, Sunoco Win Second Chance to Move Pipeline Suit

Aug. 18, 2026, 1:52 PM PDT

A federal appeals panel opened the door for Sunoco Pipeline LP and two Energy Transfer units to face a class action lawsuit over the Twin Oaks Pipeline leak in their preferred venue.

The US Court of Appeals for the Third Circuit said the US District Court for the Eastern District of Pennsylvania didn't analyze the alleged conduct of Energy Transfer's affiliate, R&M LLC, to apply the local jurisdiction exception to the Class Action Fairness Act.

Residents of Upper Makefield Township in Bucks County, Pa. sued the companies for negligence, nuisance, trespass, and strict liability in 2025 over a pipeline leak that allegedly contaminated their drinking water supply and soil, while damaging the environment, their property values, and their health.

Judge Mira R. Perez of the Eastern District of Pennsylvania sent the case to the Philadelphia County Court of Common Please in 2025, ruling the lawsuit was strictly about a local environmental incident involving at least one in-state defendant.

However, Chief judge Michael Chagares noted the lower court should examine a letter from the Pennsylvania Department of Environmental Protection clarifying the agency didn't seek remediation actions from R&M. If the Pennsylvania affiliate is ultimately found to lack a role in the pipeline leak, the class action could remain in federal court.

The plaintiff class is represented by Berger Montague. Sunoco and Energy Transfer are represented by Morgan Lewis & Bockius.

The case is la Hart v. Sunoco Pipeline LP , 3d Cir., No. 25-02152, 8/17/26 .

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Judge Grants Preliminary OK To $250M Settlement For Apple's Misleading AI Claims

Mealey's(R) Litigation Report: Cyber Tech & E-Commerce

Online ISSN: 2158-5733 , Print ISSN: 1535-718X

August 2026

Cite: 28-6 Mealey's Litig. Rep. Cyber Tech & E-Com. 23 (2026)

Section: Volume 28, Issue #6

Length: 1248 words

Dateline: SAN JOSE, Calif.

Body

A California federal judge on July 17 granted a motion for preliminary approval of a $250 million settlement, including an estimated $70 million in attorney fees, to resolve class claims that Apple Inc. violated California's unfair competition law (UCL) and other laws by misrepresenting the artificial intelligence capabilities that new iPhone models with "Apple Intelligence" and Siri software would provide and overruled an argument by objectors who argued that some class members are entitled to more damages (Peter Landsheft v. Apple Inc., No. 25-2668, N.D. Calif., San Jose Div.).

(Order available 58-260721-114R)

IPhone Consumers

"[T]he Court finds that the Settlement is fair, adequate, and reasonable," U.S. Judge No l Wise of the Northern District of California, San Jose Division, wrote in the order granting preliminary approval.

Under the parties' proposed settlement, Apple will pay $250 million into a nonreversionary settlement fund to satisfy claims of putative settlement class members who bought any iPhone 16 model or certain iPhone 15 models between June 10, 2024, and March 29, 2025, in reliance on Apple's representations regarding Enhanced Siri and similar AI features.

The judge certified for settlement purposes a class defined as "Purchasers of the Eligible Devices (iPhone 16, iPhone 16e, iPhone 16 Plus, iPhone 16 Pro, iPhone 16 Pro Max, iPhone 15 Pro, or iPhone 15 Pro Max) who reside in the United States and purchased an Eligible Device in the United States for purposes other than resale, during the Class Period."

Under the settlement agreement, claimants will presumptively receive $25 per eligible device, with a per-device cap of $95. The plaintiffs also said in the motion that they expect to request $5,444,056 in administrative costs and service awards of $2,000 per named plaintiff amounting to $130,000 total and that the plaintiffs' attorneys will seek fees not to exceed 28% of the fund, amounting to $70 million, plus an estimated $600,000 in out-of-pocket expenses.

Objectors' Argument

Judge Wise overruled the arguments raised in opposition to the motion by objecting plaintiffs. The objecting plaintiffs previously filed their own complaint against Apple, Accardi et al. v. Apple Inc., No. 25-4160, N.D. Calif., which was consolidated with the present case on May 22, 2025.

The objecting plaintiffs said in their opposition that more subclasses should be created based on the differing values of plaintiffs' claims against Apple.

They wrote in their brief that class members who bought iPhone 15s may have paid just $799 for their devices, while iPhone 16 Pro Max customers paid $1,599.

They argued that "under the settlement agreement, purchasers of iPhone 15 are granted the same compensation as purchasers of iPhone 16 Pro. Plainly, a class member who purchased a device for twice as much as another member deserves more compensation for having been deceived when buying that device."

Judge Wise said he "disagrees" with this argument. "[T]he underlying value of the Enhanced Siri features is the same across all Eligible Devices. Moreover, Objecting Plaintiffs failed to raise this point or propose [a] subclass in their own pleadings," the judge wrote.

False Innovation Claimed

On March 19, 2025, the initial complaint was filed in the District Court by plaintiff Peter Landsheft against Apple due to its representations regarding Enhanced Siri features. Over the ensuing months, several other cases were deemed related by Judge Wise and consolidated into this case, which now includes 65 named plaintiffs. Apple moved to dismiss, and the plaintiffs opposed the motion. The parties also conducted mediation. The parties on Dec. 18 filed a stipulation with a joint notice of settlement before a ruling on the motion to dismiss.

On May 1, 2026, the parties jointly stipulated that "for purposes of settlement" the plaintiffs would file a second amended consolidated class action complaint "that conforms the pleadings to the terms of the proposed Settlement." The second amended complaint against Apple was filed the same day.

In the new complaint, the plaintiffs wrote that Apple was no longer perceived by consumers as "innovative" and that after OpenAI released ChatGPT in November 2022, the company wanted to compete in the AI market. In 2024, it launched a new marketing campaign for the iPhone 16 featuring "Apple Intelligence."

"The centerpiece of this campaign was a dramatically enhanced Siri, promoted as an on-device AI-powered personal assistant designed to revolutionize the smartphone experience and serve as the defining innovation of the new iPhone series," they wrote, citing an Apple marketing campaign with commercials featuring actor Bella Ramsey using an iPhone 16 with "a fully operable Enhanced Siri working as advertised."

This campaign "generated immense consumer excitement" and led to increased sales of the iPhone 16. "The problem is, none of it was true. The iPhone 16 was delivered to consumers without 'Apple Intelligence,' and Enhanced Siri never came," they wrote. In March 2025, Apple acknowledged that Enhanced Siri was not yet functional and would not be until at least 2026, the plaintiffs said.

The plaintiffs accused Apple of violating the California Consumers Legal Remedies Act (CLRA), *Cal. Civ. Code 1750* et seq., UCL, *Cal. Bus. & Prof. Code 17200* et seq., under the unfair, unlawful and fraudulent prongs, and the California false advertising law (FAL), *Cal. Bus. & Prof. Code 17500* et seq., and alleged breach of implied warranty in violation of the Song-Beverly Act, *Cal. Civ. Code 1790* et seq. They brought claims for fraud, negligent misrepresentation, breach of contract, breach of the implied warranty of merchantability, breach of the express warranty of merchantability and unjust enrichment. They also accused Apple of violating the consumer protection statutes of 38 other states.

In their May 5 motion for preliminary approval, the plaintiffs asserted, "The Settlement delivers relief far sooner than continued litigation would allow. There would also be risks at each successive phase of litigation due to the novelty of AI-related claims, unsettled legal questions surrounding how reliance and damages should be evaluated for AI-integrated products marketed through a multiplicity of non-traditional channels, and the rapidly evolving technological landscape, including the timing of the features' ultimate deployment. The Settlement eliminates these risks and ensures that consumers receive meaningful compensation now."

Counsel

The plaintiffs are represented by interim co-lead counsel comprising Ryan J. Clarkson, Yana Hart and Bryan P. Thompson of Clarkson Law Firm P.C. in Malibu, Calif.; Joseph W. Cotchett, Brian Danitz, Karin B. Swope and Pierce H. Stanley of Cotchett, Pitre & McCarthy LLP in Burlingame, Calif.; and Laurence D. King, Matthew B. George and Blair E. Reed of Kaplan Fox & Kilsheimer LLP in Oakland, Calif.

Apple is represented by Emily Johnson Henn, Kathryn E. Cahoy and Megan L. Rodgers of Covington & Burling LLP in Palo Alto, Calif.

The objectors are represented by Jeremy A. Lieberman and Austin P. Van of Pomerantz LLP in New York.

(Additional documents available: Plaintiffs' motion for preliminary approval 58-260519-029M

Objectors' opposition 58-260721-115B

Plaintiffs' reply 58-260721-116B

Second consolidated amended class action complaint 58-260519-030C)

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Load Date: August 18, 2026

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Judge: Damages Claims In StubHub Pandemic Cancellation Case Go To Arbitration

Mealey's(R) Litigation Report: Cyber Tech & E-Commerce

Online ISSN: 2158-5733 , Print ISSN: 1535-718X

August 2026

Cite: 28-6 Mealey's Litig. Rep. Cyber Tech & E-Com. 7 (2026)

Section: Volume 28, Issue #6

Length: 1280 words

Dateline: OAKLAND, Calif.

Body

A federal judge in California on Aug. 11 sent to arbitration damages claims under the California Consumers Legal Remedies Act (CLRA) and false advertising law (FAL) that remained following a summary judgment ruling in a putative class action brought by consumers seeking injunctive relief or restitution related to StubHub Inc.'s refund policy changes implemented for events canceled or rescheduled due to the coronavirus pandemic (In re: StubHub Refund Litigation, No. 20-md-2951, *N.D. Calif., 2026 U.S. Dist. LEXIS 179579*).

(Order compelling claims to arbitration available 43-260814-074R)

In the order that followed supplemental briefing, U.S. Judge Haywood S. Gilliam Jr. of the Northern District of California first rejected the consumers' argument that the court was precluded from reconsidering arbitration after first denying it in 2022.

Citing *City of Los Angeles, Harbor Div. v. Santa Monica Baykeeper, 254 F.3d 882 (9th Cir. 2001)*, the judge opined, "The Court has authority to reconsider or modify its interlocutory orders if necessary." The judge continued that in this case, "on a more fulsome record, it is apparent that there are no public injunctive relief claims that would preclude enforcement of the arbitration provision in the UA [StubHub user agreement]."

Further, the judge rejected the plaintiffs' argument that the court's arbitration analysis could not depend on whether the plaintiffs had standing to seek public injunctive relief. "While Plaintiffs are correct that the invocation of McGill [v. *Citibank N.A., 2 Cal. 5th 945 (2017)]* does not require that Plaintiffs ultimately prevail on their request for public injunctive relief, the Ninth Circuit has found that it requires Plaintiffs to have standing to seek such relief," the judge wrote, adding that the record is clear "that this is relief that Plaintiffs are not (and have not been) entitled to seek.

Finally, Judge Gilliam rejected the plaintiffs' argument that the approximately six years of litigation counseled against considering arbitration. "The Court has to hold the parties to their contractual agreement. . . . And here, on a more fulsome record, it is apparent that there are no public injunctive relief claims that would preclude enforcement of the arbitration provision in the UA," the judge wrote.

StubHub MDL

In August 2020, the Judicial Panel on Multidistrict Litigation transferred to the District Court several cases against StubHub concerning its practices as events were canceled across the country starting in spring 2020 due to the pandemic.

Interim class counsel were appointed, and in January 2021, a consolidated amended complaint was filed by more than 50 individuals.

The putative class complaint alleges that before the pandemic, StubHub had its "FanProtect Guarantee," under which ticket buyers would receive full refunds for canceled events. However, in March 2020, StubHub announced that it would issue credits when an event was canceled, the plaintiffs claim.

They argue that StubHub continues to advertise its FanProtect Guarantee and has not explained why it no longer offers refunds.

The plaintiffs, who all purchased tickets for events that were canceled, brought claims under consumer protection laws in California, Arizona, Florida, Georgia, Illinois, Indiana, Louisiana, Maryland, Massachusetts, Minnesota, Nevada, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oregon, Pennsylvania, Texas, Virginia, Washington and Wisconsin. They also bring state law claims for breach of contract.

StubHub moved to compel arbitration, arguing that all of the transactions are governed by its user agreement, which contains an arbitration provision. StubHub alleged that all purchasers, even those who checked out as "guests," agreed to the user agreement.

Arbitration Partially Compelled

In November 2021, Judge Gilliam granted the motion as to those customers who purchased their tickets on the website but denied it as to those who purchased tickets via StubHub's mobile application. Further, the judge denied the arbitration motion as to the California causes of action.

However, the parties disagreed on the scope of the judge's decision, and additional briefing followed.

In April 2022, Judge Gilliam ruled that the claims for violation of California's unfair competition law (UCL), *Cal. Bus. & Prof. Code 17200* et seq.; California's Consumers Legal Remedies Act (CLRA), *Cal. Civ. Code 1750* et seq.; and the FAL, *Cal. Bus. & Prof. Code 17500* et seq., had to be severed in light of *Blair v. Rent-A-Ctr., Inc., 928 F.3d 819 (9th Cir. 2019)*.

In the meantime, StubHub filed a renewed motion in January 2022 to compel arbitration of claims by plaintiffs who purchased their tickets on the mobile app and to dismiss any remaining claims. StubHub filed an amended motion four days later.

In May 2022, Judge Gilliam denied the arbitration request, opining that StubHub failed to show that those eight plaintiffs agreed to arbitrate their claims. As for dismissal, Judge Gilliam stated that only the original motion filed on the last day of the deadline for such a motion was being considered. The judge wrote, "StubHub did not seek leave to file this second-and belated-motion" in which the nature of the motion was "considerably expanded" to include the claims by all plaintiffs in the lawsuit.

Turning to the dismissal arguments, Judge Gilliam ruled that the plaintiffs presented sufficient evidence of injury and reliance on misrepresentation to survive a motion to dismiss at this stage.

The judge also denied dismissal of the plaintiffs' negligent misrepresentation and non-California statutory claims.

StubHub Appeal

StubHub appealed, and on Aug. 9, 2023, the Ninth Circuit panel affirmed as to the California statutory claims and reversed regarding the five ticket purchasers who used the mobile app, finding that they all had signed into StubHub's website.

Back in the District Court, two plaintiffs dismissed their individual claims. Then, in June 2024, both sides stipulated to dismissing counts four to 31 of the consolidated class complaint, leaving in place claims under the CLRA, UCL and FAL.

The following month, StubHub moved for summary judgment or, alternatively, summary adjudication.

The consumers opposed.

Summary Judgment

Judge Gilliam partially granted summary judgment in February 2026 as to the CLRA and FAL claims to the extent that they seek injunctive relief or restitution, opining that the consumers lack standing to pursue public injunctive relief as they failed to show any actual or imminent injury. StubHub was fully granted summary judgment as to the UCL claim as "traditional monetary damages are not available under that statute."

However, the judge deferred ruling on claims seeking monetary damages to allow the parties to file briefs about why the claims should or shouldn't be compelled to arbitration

Counsel

The plaintiffs' interim co-lead counsel are Tina Wolfson and Theodore W. Maya in Burbank, Calif., and Bradley K. King in New York, all of Ahdoot & Wolfson PC, and Tiasha Palikovic and Jessica Hunter of Wittels McInturff Palikovic in Armonk, N.Y.

StubHub is represented by William P. Donovan Jr. of Dechert LLP in Los Angeles.

(Additional documents available: StubHub's supplemental brief 43-260814-075B

Plaintiffs' memorandum re: summary judgment order 43-260814-076B

Plaintiffs' reply re: summary judgment order 43-260814-077B

StubHub's reply in support of compelling arbitration 43-260814-078B

Feb5, 2026, summary judgment order 43-260220-034R

Consumers' consolidated complaint 43-211203-040C)

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Load Date: August 18, 2026

California Cities’ Algorithmic Pricing Laws Show Teeth as Class Actions Mount

law.com/corpcounsel/2026/08/19/california-cities-algorithmic-pricing-laws-show-teeth-as-class-actions-mount

Real estate companies are facing class actions accusing them of violating recent municipal bans on using algorithms to set rent, highlighting a new kind of potential liability for landlords as algorithmic pricing comes under increasing scrutiny.

UDR was hit with a class action in the U.S. District Court for the Southern District of California accusing it of violating a San Diego ordinance, while Greystar Management Services was hit with separate class actions in the Southern and Northern Districts accusing it of violating the San Diego ordinance and a similar San Francisco ordinance.

The lawsuits were picked up as part of a broader surge in class actions in California by Law.com Radar. Greystar and UDR did not immediately respond to requests for comment.

What Happened?

The plaintiffs, who are represented by Bursor & Fisher, allege that UDR and Greystar violated the city ordinances by using the services of RealPage, a provider of property management software including an algorithm that suggests prices for rental units.

Greystar is also accused of using another algorithmic pricing product from Yardi Systems. Greystar and Yardi are not defendants in the lawsuits.

The plaintiffs allege that these practices violate municipal ordinances that explicitly ban landlords from using pricing algorithms based on non-public data about rent and occupancy among their competitors. San Francisco’s was passed in 2024, and San Diego’s in 2025.

They are seeking court orders blocking the defendants from further violations, civil penalties and compensatory damages with interest.

How Did We Get Here?

Landlords’ use of algorithmic pricing has been under scrutiny for years amid broader public concern about the rising cost of living.

RealPage was previously sued by the U.S. Department of Justice and several state attorneys general for allegedly violating antitrust law by allowing landlords to collude. That lawsuit resulted in a settlement in 2025 in which RealPage agreed to change its algorithm. Yardi is also facing a private antitrust class action.

The new complaints do not include antitrust claims, instead relying entirely on the municipal ordinances. Notably, they allege that the landlords' violations continue to the present day, despite the RealPage settlement.

What's Next?

Minna Lo Naranjo, a partner at Morgan Lewis, said that the plaintiffs' claims will likely be easier to prove than related antitrust claims, even though they "rely on the factual infrastructure" of the earlier case against RealPage.

"Instead of having to plead a Sherman Act conspiracy, a plaintiff can simply plead that a landlord used algorithmic pricing," Naranjo said. The landlords may be able to defend themselves by arguing that using RealPage after the 2025 settlement does not violate the ordinances—if they can show that the algorithm does not use any non-public information.

Naranjo also said that she expected similar claims to proliferate as other cities, which so far include Philadelphia, Seattle, Portland, Minneapolis, Berkeley and Jersey City, pass their own anti-algorithmic pricing ordinances.

Landlords, she said, should carefully review their use of algorithmic pricing to see if it may run afoul of any such ordinance where they operate.

Ore. Judge Set to Decide Future of 14 TCPA Class Actions Amid Fraud Accusations

law.com/dailyreportonline/2026/08/19/ore-judge-set-to-decide-future-of-14-tcpa-class-actions-amid-fraud-accusations

What You Need to Know

- Watstein Terepka, representing Freeway Insurance of America, unleashed allegations of widespread fraud against Wilson and his attorneys, Andrew Perrong and Anthony Paronich,, in a motion to deny class certification that the judge plans to hear on Wednesday.
- Watstein Terepka also has subpoenaed Heidarpour Law Firm, a lead generator that it says manufactures TCPA claims that has retained former Acting U.S. Solicitor General Neal Katyal.
- On Wednesday, the judge also will hear a motion Chet Wilson filed to voluntarily dismiss his case, but Freeway Insurance refused to allow it, demanding that he dismiss his other TCPA lawsuits in the district.

A federal judge in Oregon is set to hear arguments Wednesday that could determine the future of 14 class actions brought by the same plaintiff who at least one defense firm says is part of a nationwide fraud to extort class action settlements from corporations under the Telephone Consumer Protection Act.

Chief U.S. District Judge Michael McShade, in the District of Oregon, consolidated all the pending cases filed by plaintiff Chet Wilson after defense firm Watstein Terepka, counsel for one of the defendants, Freeway Insurance Services, alleged a widespread scheme perpetrated through Washington, D.C.'s Heidarpour Law Firm, a lead generator that it says manufactures TCPA claims.

Watstein Terepka partner Ryan Watstein, in Atlanta, outlined the alleged fraud in a motion to deny class certification, which also insisted that Wilson was a poor class representative because of his alleged use of "violent racist rhetoric" on social media sites.

On Tuesday, McShade told lawyers in all 14 cases that his decision on class certification in the Freeway Insurance case would be dispositive to all their cases.

"I'll be honest: I have serious doubts whether Mr. Wilson is in a position to represent a class, whether there's typicality," he said at a hearing. "There's a number of issues we need to discuss tomorrow about whether this can proceed as a class action."

He added, “The reason I want to resolve among all the cases is I’m already getting requests for dismissal based on settlement discussions that have not resolved the issue of class certification and I do think it’s only fair that folks understand whether we’re going forward with a class or whether we’re going forward individually, because that is going to obviously inform your settlement discussions."

Wilson, represented by prolific TCPA attorneys Andrew Perrong and Anthony Paronich, also moved to voluntarily dismiss his case, but Freeway Insurance refused to allow it, demanding that he dismiss his other TCPA lawsuits in the district.

“Plaintiff wants to walk away from the one defendant prepared to expose the scheme—while leaving dozens of other cases undistributed so the operation can continue against everyone else,” Watstein wrote in an opposition to the dismissal. “The one case in which an investigation is underway should not end before the record is complete.”

Both the class certification and dismissal motions are set for Wednesday’s hearing.

The fraud allegations target some of the most prolific filers of TCPA claims against alleged telemarketers. Freeway Insurance is one of several companies Wilson sued in Oregon, with others including PacifiCorp, TPH Paralegal Professional Corp. and Skopos Financial.

In court papers, Freeway Insurance has insisted it had not cold-called Wilson, or anyone else, and that someone else put his number into a third-party website, called EverQuote, under the name Dorianne Plageman. The company has retained a former FBI agent, sought Wilson’s iCloud history and IP addresses and, on May 20, served a subpoena on Heidarpour Law Firm.

Heidarpour Law Firm has brought in former Acting U.S. Solicitor General Neal Katyal, of Milbank in Washington D.C., to respond to the subpoena, which it called a “fishing expedition.”

“Underlying all of this is a campaign of serious but baseless accusations against HLF,” Katyal wrote in court papers. “Freeway has accused the firm, in court filings and in correspondence, of ‘manufacturing’ claims and orchestrating a fraudulent litigation scheme. These are grave charges that Freeway levels even as it concedes it does not ‘yet have forensic evidence’ to support them.”

On Tuesday, McShade acknowledged the subpoena, which is being transferred to his courtroom, and the “allegations of fraud,” but it’s not clear how much those topics would take up Wednesday’s arguments.

“These are issues that may not concern all of you,” he told lawyers in all 14 cases. “I’m not joining all of you into the Freeway case except for that limited purpose of determination of whether these cases can proceed with Mr. Wilson representing a class.”

Heidarpour founder Andrew Heidarpour, Katyal and Matthew Laroche, a Milbank partner in New York, did not respond to requests for an interview, nor did Perrong, of Perrong Law LLC in Glenside, Pennsylvania, or Paronich, of Paronich Law in Hingham, Massachusetts. Watstein, whose firm is joined by Wiley Rein in Washington, D.C., and Portland, Oregon’s Cosgrave Vergeer Kester, declined to comment on behalf of Freeway Insurance, which is based in Huntington Beach, California.

‘Violent Hate Speech,’ or ‘Speculation Stacked on Speculation’

Perrong filed a class action against Freeway Insurance last October in U.S. District Court for the District of Oregon, where Wilson lives. Wilson claimed Freeway Insurance sent him three unsolicited texts in June 2024 to his cell phone, whose number, 541-999-9999, is on the National Do Not Call Registry.

But on May 15, Wilson’s lawyers moved to voluntarily dismiss the case after Freeway Insurance’s attorneys insisted he dismiss all his TCPA cases, pay their attorney fees and concede that he wasn’t an adequate class representative. One day later, Freeway Insurance filed a motion to deny class certification, unloading a barrage of accusations about Wilson and Heidarpour. The motion claimed Wilson, who purchased his phone number for $1,000, had filed nearly 100 class actions in the past two years under the TCPA, but has never recovered anything for class members. Nearly half of his cases were settled, or resolved, before a class was certified, while Wilson’s lawyers pocketed millions of dollars.

“Plaintiff is wildly inadequate to represent a putative class—both because of his systematic abuse of the class mechanism and because his violent hate speech renders him unfit to represent the people he purports to protect,” Watstein wrote in the motion. “He weaponizes Rule 23 to inflate the value of his individual claims and leaves absent class members with nothing.”

As to the hate speech, the motion cites remarks Wilson made on Facebook, in which he refers to Jewish people as “f---ing parasites that have taken over this world” and that he “got f---ing holes dug” for them. He’s also posted that he didn’t owe reparations to the families of Black slaves, stating, “You mother f---ers didn’t pick a Goddamn nothing off my f---ing tees” and “I don’t owe you sh-t.” He also has spoke out against the parents of transgender people.

“Any class will presumably include members of the Black, Jewish, and LGBTQ+ communities, making those statements directly relevant to whether plaintiff can fairly and adequately represent all absent class members (or anyone for that matter),” Watstein wrote.

Perrong, opposing the certification motion, insisted his client’s “personal political views” would not impact his ability to serve as class representative.

Wilson called Freeway Insurance’s accusations against Heidarpour Law Firm “speculation stacked on speculation.” Then, on June 24, Heidarpour Law Firm, represented by Katyal, moved to quash Freeway Insurance’s subpoena.

“Freeway has aimed a sweeping Rule 45 subpoena at its opponent’s counsel for information and testimony having no relevance to the merits of the underlying action and that implicate HLF’s privileged relationship with its client,” Katyal wrote.

In a declaration attached to the quash motion, Heidarpour said he had never been disciplined or sanctioned for his conduct as an attorney. He said much of the discovery sought by Freeway Insurance is protected under the attorney-client privilege. Because his firm is small, with one other attorney and support staff, he often refers cases to other firms to litigate. In 2024, Wilson retained his firm, which referred his case to Perrong Law and Paronich Law.

In a reply supporting the quash motion, Heidarpour Law Firm sought fees for having to respond to Freeway’s “hyperaggressive litigation positions.”

“Freeway has not cited a single case supporting that it is entitled to broad-ranging discovery as part of its purported investigation into HLF’s conduct, but many cases hold that this type of fishing expedition is inappropriate,” Katyal wrote. “And Freeway has now doubled down on its baseless accusations of misconduct, which it continues to make without evidentiary support.”

But Freeway Insurance, defending its subpoena, noted that Heidarpour Law Firm, a "small firm," retained Katyal, who charges more than $3,000 an hour.

"Why go to such lengths?" Watstein wrote. "The answer is simple: HLF is the originating principal of the sue-and-settle mill that Freeway's motion exposed for the first time, and the subpoena asks for the documents revealing its machinations."

Who Is Eligible—and Who Isn't—for the Depo-Provera Settlement?

law.com/2026/08/13/who-is-eligibleand-who-isntfor-the-depo-provera-settlement

What You Need to Know

- In an Aug. 10 order, U.S. District Judge M. Casey Rodgers, of the Northern District of Florida, who is overseeing the Depo-Provera multidistrict litigation, set a Nov. 30 deadline for lawyers to register to participate in the settlement.
- The judge also approved three pilot cases to decide threshold issues such as statute of limitations, which Pfizer's lawyers have insisted could prevent more than 1,000 cases from participating in the settlement.
- Rodgers rescheduled a general causation expert hearing in Pensacola, Florida, for Sept. 18, in the three new pilot cases, which Pfizer selected.

The Depo-Provera settlement will resolve thousands of lawsuits tying the injectable birth control to brain tumors, but a large chunk of the cases will move ahead under a plan outlined by a federal judge this month.

In an Aug. 10 order, U.S. District Judge M. Casey Rodgers, of the Northern District of Florida, who is overseeing the Depo-Provera multidistrict litigation, set a Nov. 30 deadline for lawyers to register to participate in the settlement. She also approved three pilot cases to decide threshold issues such as statute of limitations, which Pfizer Inc.'s lawyers have insisted could prevent more than 1,000 cases from participating in the settlement.

"As to the remaining cases that aren't eligible, we are going to keep litigating those cases," Pfizer attorney Joseph Petrosinelli, chairman of Williams & Connolly in Washington, D.C., told Rodgers at a July 27 hearing, according to the transcript. He told the judge, "It's a fair settlement for people who are eligible for it, but we're going to keep litigating the cases that aren't eligible or who decide not to participate in it."

The provisions of the settlement, including eligibility and total payouts, remain undisclosed. But Rodgers, at the hearing, praised both sides for reaching an "extraordinary settlement" without having her decide any substantive motions. Pfizer had filed a motion for summary judgment based on federal preemption but Rodgers, who hear arguments on Sept. 29 of last year, then asked for supplemental briefs after the U.S. Food and Drug Administration on Dec. 12 began requiring a brain tumor warning on Depo-Provera labels, postponed her ruling. She also vacated the first bellwether trial, set for Dec. 7, and rescheduled a general causation expert hearing in Pensacola, Florida, for Sept. 18, in the three new pilot cases, which Pfizer selected.

She called the settlement an “excellent outcome for those who are eligible to participate.”

“It will provide relief to thousands of women without the need for protracted litigation or undue expense, and that is a very good thing,” she said.

Chris Seeger, of Seeger Weiss in Ridgefield Park, New Jersey, who crafted the deal, said the lawyers owe Rodgers a “debt of gratitude” for pushing the parties to move quickly.

“It would say it took a couple years off where this litigation could have gone,” he told the judge, according to the transcript.

Petrosinelli agreed, particularly noting the impact that the initial vetting Rodgers ordered in the cases had on Pfizer’s ability to evaluate the litigation.

But he also estimated that 20% of the more than 6,200 cases filed in the multidistrict litigation wouldn’t be eligible for the settlement.

He told the judge, “I’ve had some lawyers call me and say, ‘Oh, the MDL is over.’ It’s not over,” according to the transcript. “There are a lot of cases that are not eligible for the settlement because they have certain characteristics that we just don’t think—we were not willing to resolve.”

'A Lot of Those Cases Are Time-Barred'

Depo-Provera, approved by the FDA in 1992, is a contraceptive that stops a woman’s menstrual cycle for three months. The suits, citing recent studies that found women who used Depo-Provera had a 550% higher risk of developing meningioma, allege Pfizer failed to warn about the drug’s brain tumor risks.

Both sides announced the settlement on June 15, according to a transcript of last month’s hearing, and signed the deal last month. The settlement excludes hundreds of state court cases, most of which have been filed in Delaware and New York.

At the hearing, Seeger said plaintiffs’ leadership was in the process of rolling out the details of the settlement to law firms, according to the transcript. Firms have until Aug. 21 to identify their cases, he said, with additional documentation due by Feb. 28 of next year, after which payments could begin going out.

“In general,” he said, “it’s a common grid-type settlement where the grids and base values are established, and there are adjustments up and down which will determine the amount that a plaintiff would receive.”

Lawyers for the three pilot cases, which Rodgers approved on July 29, raised concerns about not knowing why their clients weren’t eligible for the settlement and whether statute of limitations was an adequate threshold issue.

“Counsel for the would-be new pilot cases are not privy to the ‘eligibility criteria’ that govern the settlement reached between defendants and plaintiffs’ lead counsel,” Morgan & Morgan’s Michael Goetz, a partner in Tampa, Florida, wrote in a July 21 filing. “This process is inherently unfair and a waste of judicial resources.”

He represents Christina Yeager, one of the pilot plaintiffs, a Georgia woman diagnosed with intracranial meningioma in 2021 who alleges she didn’t connect the cause to Depo-Provera until seeing a lawyer advertisement on social media two years ago.

Much of the focus for the remaining cases is on statute of limitations issues—in particular, whether the lawsuits were filed after March 27, two years after a pivotal study in the British Medical Journal. At last month’s hearing, Petrosinelli said more than 1,000 had been filed since March 27.

“Quite a lot have been filed since the end of March, and we think a lot of those cases are time-barred, and so we’ve asked that to be teed up,” he said.

In a July 23 filing, Petrosinelli said another eligibility requirement was latency—or the length of time between a plaintiff’s last use of Depo-Provera and her meningioma diagnosis.

As to those remaining litigating plaintiffs, including those who choose not to participate in the settlement or file cases in the future, Rodgers set a series of deadlines, such as submitting fact sheets, but emphasized her focus would be on the settlement going forward.

“The settlement program will require significant long-term implementation efforts by counsel, plaintiffs, defendants, and the court,” she wrote in her Aug. 10 order. “It is the intent of the court to support those settlement program implementation efforts and, consistent with this order, to defer consideration of further proceedings while those efforts and the settlement are ongoing.”

Zuckerberg did not make child safety a priority at Meta, former engineer testifies

reuters.com/legal/litigation/former-meta-engineer-resumes-testimony-landmark-trial-over-social-medias-harm-2026-08-19

OAKLAND, Aug 19 (Reuters) - A former engineering director at Meta Platforms (META.O), opens new tab testified on Wednesday that CEO Mark Zuckerberg was responsible for a culture that may have led the company to shirk its responsibility to protect children who use its Facebook and Instagram platforms from harm.

Arturo Bejar, a vocal Meta critic who worked at the company from 2009 to 2015 and as an independent contractor from 2019 to 2021, said Zuckerberg was closely involved in much decision-making, and the company's top-down culture ensured that product design changes would occur only if he ordered them.

"If Mark makes something a priority, mountains move in months," Bejar said.

Bejar is the first witness in a landmark trial over claims brought by a coalition of states accusing the company of designing its platforms to addict young users and illegally collecting data from children under 13.

California, Colorado, Kentucky and New Jersey accuse Meta of designing Facebook and Instagram to hook young users, fueling anxiety, depression and even suicide, and misleading consumers about the platforms' safety.

Those states and 25 others also accuse Meta of violating federal law by improperly collecting and using personal data of children while they used its platforms.

Meta has denied the allegations, and argued that Bejar's opinions were beyond the scope of his work.

Bejar began testifying in the Oakland, California, federal court on Tuesday, when the trial began.

The trial is expected to last six weeks, and Zuckerberg is expected to testify.

SAFETY AN 'AFTERTHOUGHT,' WITNESS SAYS

Bejar helped run surveys of teenagers' experiences as part of a team examining well-being on Instagram between 2019 and 2021.

He has been outspoken in criticizing Meta’s safety record for children, and testified before a U.S. Senate committee in 2023 that Meta was aware of harassment and other harms facing teenagers on its platforms but failed to address them.

In Wednesday's testimony, Bejar said Meta used metrics such as meaningful social interactions and daily active users to reward employees, prioritizing user engagement — and profit — over safety.

He also said a tool Meta uses that encourages users to take a break, a key feature Meta has cited in its defense, was "designed to fail" because it is not the default setting and reminders are easy to ignore.

"All roads lead to time in the product," he said. "In that context, safety was always an afterthought."

Bejar also said Meta had technology to flag and require verification from users, potentially in the millions, suspected to be under age 13, but turned a blind eye to the problem through a "don't ask, don't tell" policy because it was financially profitable over the longer term.

"Where the youngest kids are is where the users are going to be in the future," he said.

Experts have said the trial is the biggest legal test yet of social media's effects on young users.

Meta faces thousands of similar lawsuits over alleged harm to children. Bejar has been a key witness against the company in three of the cases that have gone to trial so far. One of those cases, brought by New Mexico, resulted in $942 million in damages and penalties and an order requiring Meta to change its platforms in the state.

SEC Charges Former Executives With Fraud in Connection With $1.9 Billion Collapse of Subprime Auto Lender Tricolor

sec.gov/newsroom/press-releases/2026-77-sec-charges-former-executives-fraud-connection-19-billion-collapse-subprime-auto-lender-tricolor

The Securities and Exchange Commission today charged Daniel Chu, Jerome Kollar, and Ameryn Seibold, the former CEO, CFO, and Senior Director of Finance, respectively, at Texas-based Tricolor Holdings, LLC, for their roles in an alleged multi-year scheme to defraud investors by double pledging hundreds of millions of dollars of subprime auto loans to multiple asset-backed securities (ABS) offerings and lenders.

According to the SEC's complaint, from at least 2020 through Tricolor's bankruptcy in September 2025, Tricolor raised more than $1.9 billion through ABS offerings while Tricolor, Chu, and Kollar made numerous false and misleading representations to investors about the lender's overall financial health, portraying the company as financially sound despite knowing that Tricolor was facing significant liquidity constraints and struggling to fund its operations. In offering materials and meetings, Tricolor allegedly represented that the loans included in the ABS collateral pools were free and clear of any other liens when the defendants knew that many had been or would soon be double pledged. The complaint further alleges that the defendants deceived underwriters and investors, including by manipulating various loan metrics to make non-paying or defaulted loans appear current and therefore eligible for inclusion in the securitization pools. According to the complaint, more than $945 million of principal associated with the ABS offerings remained outstanding and payable to investors at the time of Tricolor's bankruptcy.

In a parallel action, the U.S. Attorney's Office for the Southern District of New York announced criminal charges against Chu, Kollar, and Seibold in December 2025.

"We allege that these defendants defrauded investors based on bogus collateral and violated the integrity of our private credit markets," said David Woodcock, Director of the SEC's Division of Enforcement. "Our team did a tremendous job bringing these charges and we appreciate the assistance of our partners at the Southern District of New York, the FBI and the FDIC Office of Inspector General."

The SEC's complaint, filed in the U.S. District Court for the Southern District of New York, charges Chu, Kollar and Seibold with violating the antifraud provisions of the Securities Act of 1933 and the Securities Exchange Act of 1934. The complaint also charges Chu with control person liability and all of the defendants with aiding and abetting liability. The complaint seeks injunctive relief, disgorgement of ill-gotten gains with prejudgment interest, and civil penalties against all the defendants as well as officer and director bars against Chu and Kollar.

Settlement Approval Sought To Resolve Government Entities' 23andMe Claims

Mealey's(R) Litigation Report: Cyber Tech & E-Commerce

Online ISSN: 2158-5733 , Print ISSN: 1535-718X

August 2026

Cite: 28-6 Mealey's Litig. Rep. Cyber Tech & E-Com. 31 (2026)

Section: Volume 28, Issue #6

Length: 1293 words

Dateline: ST. LOUIS

Body

After 41 states and the District of Columbia (the governmental entities) filed proofs of claim seeking nearly $100 billion in damages arising from the 2023 23andMe Inc. data breach, the trust administering the company's bankruptcy plan asked a Missouri federal bankruptcy court to issue an order permitting entry into a stipulation that would provide the governmental entities with individual shares of an $18 million settlement (In re: Chrome Holding Co. [f/k/a 23andMe Holding Co.], No. 25-40976-357, E.D. Mo. Bkcy.).

(Motion for entry of an order authorizing and approving stipulation 97-260724-090M)

The trust filed the motion on July 14 in the U.S. Bankruptcy Court for the Eastern District of Missouri on behalf of Wind-Down Debtor Chrome Holding Co., f/k/a 23andMe Holding Co. If the Bankruptcy Court approves the stipulation, the governmental entities will resolve their claims upon receipt of their allotted shares of the settlement.

Pending approval, Alabama would receive $260,817; Alaska, $165,447; Arizona, $612,269; Arkansas, $431,937; Colorado, $394,324; Connecticut, $887,729; Delaware, $159,654; the District of Columbia, $161,919; Florida, $1,111,206; Georgia, $452,232; Idaho, $201,386; Illinois, $501,539; Indiana, $979,424; Iowa, $429,767; Kansas, $225,814; Kentucky, $259,375; Louisiana, $258,668; Maine, $181,046; Maryland, $518,491; Massachusetts, $387,218; Michigan, $436,605; and Minnesota, $514,871.

New Hampshire would receive $187,490; New Jersey, $409,588; New Mexico, $200,308; New York, $705,976; North Carolina, $666,242; North Dakota, $150,380; Ohio, $473,828; Oklahoma, $276,435; Oregon, $576,707; Pennsylvania, $491,902; South Carolina, $280,173; South Dakota, $149,339; Tennessee, $348,687; Texas, $1,266,860; Utah, $461,688; Vermont, $154,065; Virginia, $662,649; Washington, $547,350; West Virginia, $181,778; and Wisconsin, $276,817.

The $18 million settlement would resolve the governmental entities' bankruptcy proofs of claim seeking payment for alleged liabilities arising from the data breach. It is separate from previously approved consumer data breach settlements.

California is the lone state claimant to not join the settlement. In May, California filed a lawsuit against Chrome Holding in the San Francisco County Superior Court, People of the State of California v. Chrome Holding Co. (f/k/a 23andMe Holding Co.), No. CGC-26-636891, Calif. Super., San Francisco Co., in which the state's attorney general alleges violations of the California Genetic Information Privacy Act (GIPA), *Cal. Civ. Code 56.18* et seq., the California Consumer Privacy Act (CCPA), *Cal. Civ. Code 1798.100* et seq., the unfair competition law (UCL), *Cal. Bus. & Prof. Code 17200* et seq., and the California false advertising law (FAL), *Cal. Bus. & Prof. Code 17500* et seq.

California seeks civil penalties of $1,000 per violation of the GIPA, $2,500 per violation of the CCPA or $7,500 per violation of the CCPA that was intentional or involved a minor, $2,500 per violation of the UCL, plus $2,500 per UCL violation against a senior citizen, and $2,500 per violation of the FAL.

Lawsuits And Sale

In October 2023, lawsuits began to be filed against 23andMe Inc., 23andMe Pharmacy Holdings Inc. and 23andMe Holding Co. (collectively, 23andMe) for a data breach believed to have occurred in August 2023. In April 2024, the suits were consolidated in the U.S. District Court for the Northern District of California as a multidistrict litigation, In Re: 23andMe, Inc., Customer Data Security Breach Litigation, No. 24-md-3098, N.D. Calif. In a June 2024 consolidated class complaint, the plaintiffs alleged claims for negligence, invasion of privacy, breach of express and implied contract, unjust enrichment and violation of various states' consumer protection laws.

On Dec. 4, 2024, Judge Edward M. Chen preliminarily approved a settlement between the parties that provided for a $30 million nonreversionary settlement fund.

On March 26, 2025, 23andMe filed three voluntary petitions for relief under Chapter 11 of the U.S. Bankruptcy Code, *11 U.S.C. 101 et seq.*, in the Bankruptcy Court. After an auction, the winning bidder of 23andMe's assets was TTAM Research Institute, a nonprofit organization headed by 23andMe's founder and former CEO Ann Wojcicki, which bid $305 million.

On June 9, 2025, an adversary proceeding was filed by 27 states, the District of Columbia and the National Association of Attorneys General (NAAG) in Bankruptcy Court opposing the sale of 23andMe's assets, data and PII.

On June 27, Bankruptcy Judge Brian Walsh approved both the sale of 23andMe to TTAM and the transfer of customers' genetic data to the purchaser. He found that the sale would fund the settlement of the data breach lawsuit and voiced his confidence in privacy enhancements the purchaser pledged to enact.

The sale to TTAM closed July 14.

The states and NAAG voluntarily dismissed the adversary proceeding on July 30, citing an agreement with TTAM that it would implement "additional consumer protections and privacy protections" (In re: 23andMe Holding Co., et al. [NAAG Client States, et al. v. 23andMe Holding Co., et al.], No. 25-40976, Adv. No. 25-4035, E.D. Mo. Bkcy.).

MDL Dismissed

The MDL plaintiffs had filed a joint status report on Feb. 2, 2026, informing the court that they would seek to dismiss the MDL after final approval of the settlement in favor of a class of U.S. data breach plaintiffs worth up to $50 million and not less than $30 million.

The final approval was granted Jan. 30 by Bankruptcy Judge Walsh. In the same order the bankruptcy judge granted a motion by the plaintiffs' attorneys for attorney fees amounting to 25% of the final amount of the settlement fund. The attorneys sought a fee based on percentage, not a fixed-amount fee.

The settlement class comprises nearly 6.4 million members, with more than 99.99% of them not objecting to the settlement. The settlement fund will provide benefits including up to $10,000 in monetary reimbursement for "Extraordinary Claims" involving unreimbursed losses such as identity fraud, installation of security systems and professional mental health treatment; cash payments for the statutory subclass comprising residents of states with genetic privacy laws that provide for statutory damages; cash payments for members whose health information was compromised; and five years of privacy and data monitoring services for all class members who enroll in the services.

The order of dismissal of the MDL was entered Feb. 18, 2026, by Judge Chen pursuant to a stipulation by the parties.

"[T]his action is hereby dismissed with prejudice, with all parties to bear their own fees and costs, including but not limited to attorneys' fees," Judge Chen said in the order.

Counsel

Chrome Holding Co. is represented in the bankruptcy case by Thomas H. Riske, Nathan R. Wallace and Samuel S. Brand of Carmody MacDonald PC in St. Louis and Paul M. Basta, Christopher Hopkins, Jessica I. Choi and Grace C. Hotz of Paul, Weiss, Rifkind, Wharton & Garrison LLP in New York.

The governmental entities are represented by their respective attorneys general.

23andMe was represented by in the MDL by Rebekah S. Guyon in Los Angeles, Stephen L. Saxl in New York, Ian C. Ballon in East Palo Alto, Calif., and Kristin O'Carroll in San Francisco, all of Greenberg Traurig LLP.

(Additional documents available: California's complaint against Chrome Holding 58-260616-030C

Order of dismissal in MDL 58-260317-001R

Bankruptcy Court's Oct2, 2025, order of preliminary approval with settlement agreement attached 58-260218-028R

Bankruptcy Court's June 27 opinion approving sale 97-250725-020Z)

Do you have news to share? Are you interested in writing a commentary article? Email the Mealey's News Desk at *Mealeys@LexisNexis.com*

Load Date: August 18, 2026

Abbott settles appeal over $495 million infant formula verdict | Business Information & News | FE

W **today.westlaw.com**/Document/I61cc43809bf711f1941d96d221ff75c6/View/FullText.html

Aug 19 (Reuters) - Abbott Laboratories has reached a settlement to resolve its appeal of a $495 million verdict over the company's specialized formula for premature infants.

Details of the settlement were not immediately available in court documents filed Monday in a Missouri appeals court.

A spokesperson for Abbott and attorneys for the plaintiff did not immediately respond to questions about the settlement.

In 2024, a jury in St. Louis found that Abbott's infant formula caused an Illinois girl to develop necrotizing enterocolitis (NEC), a dangerous bowel disease. Abbott had been appealing that verdict to Missouri's Supreme Court after a state court of appeals affirmed the judgment in May 2026.

About 1,000 similar lawsuits have been filed against Abbott, which makes Similac formulas, and Mead Johnson, a unit of Reckitt which manufactures Enfamil formulas. More than 800 of the cases are centralized in an Illinois federal court, with others pending in state courts including Illinois, Missouri and Pennsylvania.

NEC, which mostly affects premature newborns, causes the death of bowel tissue and has an estimated mortality rate of more than 20%.

The companies have said that while breast milk protects against NEC, their formulas do not cause it and that the benefits of breast milk have long been known to clinicians.

U.S. regulatory agencies and a National Institutes of Health-convened working group said in a 2024 report that current evidence links higher NEC rates to the absence of breast milk, rather than to formula use.

The products in question are cow's milk-based formula and products for fortifying mother's milk that are specially made for infants in hospital settings, not ordinary formula available to consumers in stores.

Abbott CEO Robert Ford suggested in 2024 that the preterm products might become unavailable because of the litigation.

The companies have had a mixed record in the few cases to go to trial in state courts thus far, with some juries siding with the companies and others with the parents. The first bellwether, or test trial, is currently underway in Chicago in the consolidated federal litigation, after previous federal cases were dismissed before trial.

The case is Gill v. Abbott Laboratories, case number ED113162 in the Missouri Court of Appeals for the Eastern District.

For Abbott: James Bennett of Dowd Bennett and W. Jason Rankin of HeplerBroom

For Gill: Michael Ketchmark and Scott McCreight of Ketchmark & McCreight

Intuit Hid AI, Mailchimp Woes From Investors, Suit Says

(August 18, 2026, 8:02 PM EDT) -- TurboTax distributor Intuit Inc. has been hit with a shareholder's proposed class action accusing it of falsely telling investors that it was well-positioned to integrate generative artificial intelligence tools even though the technology was actually diminishing Intuit's primary businesses.

In his complaint filed Monday, shareholder Kenneth Bruce said that despite Intuit's claims, generative AI was hindering the company's ability to sustain its "growth, pricing and profitability investors had come to expect." The truth was revealed, the suit alleges, in May when Intuit announced layoffs and a weaker-than-expected tax season due to "price-sensitive tax filers" who increasingly chose alternatives to TurboTax.

"Defendants portrayed Intuit as uniquely positioned to benefit from the rapid adoption of generative artificial intelligence, repeatedly assuring investors that the company's AI-driven platform, AI-enabled human experts, and integrated ecosystem of products…provided a durable competitive advantage that GenAI could not replicate," the complaint states.

The suit's proposed class period begins Feb. 25, 2025, the day Intuit CEO Sasan Goodarzi allegedly "assured investors" that the company was making strong progress with its AI investments. The company also disclosed that day that its email marketing platform Mailchimp was experiencing strong revenue growth.

For the next several months, Intuit and its executives continued to make positive statements about the company's integration of AI into its products, the suit claims. For example, in its annual report filed in September 2025, Intuit stated that the company is "doubling down on the areas that drove strong results this year where the combination of AI and human intelligence delivers done-for-you experiences."

However, several months later, on May 20, 2026, Intuit "shocked" investors when it announced that it would reduce its workforce by approximately 17%, the suit claims. During its earnings call that day, the company also admitted it had "abandoned efforts to restore

Mailchimp to its prior growth trajectory," and that it was "rightsizing" its investment in Mailchimp in light of its "continued underperformance," the suit claims.

Intuit also allegedly admitted that the restructuring was the "culmination of longstanding operational problems the company had been evaluating for over a year."

Following the May call, analysts questioned Intuit's assertion that "none of this has anything to do with AI," the suit claims.

"These disclosures stood in stark contrast to defendants' repeated class period representations about the strength of Intuit's business, the company's tax performance, the competitive advantages of its AI strategy and the growth prospects for Mailchimp," the suit states.

After the call, shares of Intuit declined $76.86 each, or about 20%, to close at $307.07 per share at the end of trading on May 21, 2026, according to the complaint.

In addition to Intuit and Goodarzi, the company's Chief Financial Officer Sandeep Aujla is named as an individual defendant in the suit, which accuses the defendants of violating the Exchange Act.

In an email to Law360, an Intuit spokesperson said that the company strongly disagrees with the allegations in the complaint.

"We are confident in our public disclosures, and we will vigorously defend ourselves in court," the spokesperson said.

Representatives of the plaintiff did not immediately respond to requests for comment Tuesday.

Bruce is represented by M. Elizabeth Graham, Karin E. Fisch and Vincent J. Pontrello of Grant & Eisenhofer PA and Phillip Kim of The Rosen Law Firm PA.

Counsel information for Intuit and the individual defendants was not immediately available Tuesday.

The case is Bruce v. Intuit Inc. et al., case number 5:26-cv-08518, in the U.S. District Court for the Northern District of California.

--Editing by Jay Jackson Jr.

Update: This story has been updated with a comment from an Intuit spokesperson.

Capital One Investor Sues Ex-Discover Brass In Chancery

(August 18, 2026, 6:17 PM EDT) -- A Capital One Financial Corp. stockholder has sued former Discover Financial Services directors and executives in the Delaware Chancery Court, accusing them of allowing years of regulatory and compliance failures that caused hundreds of millions of dollars in losses before Capital One acquired the credit card company.

Stockholder Stuart Swaziek's double derivative complaint, filed Monday, targets 13 former Discover directors and officers, including ex-CEO Roger C. Hochschild and former and current finance chiefs R. Mark Graf and John T. Greene. Swaziek claims the defendants breached their fiduciary duties by failing to properly oversee Discover, making misleading statements about its compliance systems and allowing the company to buy back stock at allegedly inflated prices. The suit says Discover overpaid by about $784.8 million when repurchasing roughly 57.4 million shares.

"The company has been substantially damaged as a result of the individual defendants' knowing or highly reckless breaches of fiduciary duty and other misconduct," Swaziek said in his complaint.

Discover, a Delaware-incorporated digital banking and payment services company, offered credit cards, student loans and other consumer banking products before Capital One acquired it on May 18, 2025. The complaint says Discover was heavily regulated by agencies including the Federal Deposit Insurance Corp., the Consumer Financial Protection Bureau and the Federal Reserve.

Swaziek's claims center on two alleged compliance problems. The first involved Discover's classification of millions of consumer credit cards as commercial cards beginning no later than 2007, which allegedly caused merchants to pay higher interchange fees for more than 15 years. The FDIC later found problems with Discover's compliance management system, according to the suit.

The second alleged compliance problem involved Discover's student loan servicing. The CFPB entered consent orders in 2015 and 2020 after finding practices that included misstating amounts borrowers owed, making improper collection calls and taking automatic payments without authorization, the complaint says.

Swaziek claims Discover's leadership nevertheless continued making misleading public statements about the company's compliance and risk controls. In July 2022, Discover disclosed an internal investigation into its student loan servicing and suspended its share repurchase program. Its stock fell 8.9% the next day, from $109.80 to $100 per share, according to the complaint.

The complaint also alleges that four defendants sold Discover shares while possessing material nonpublic information, collecting roughly $2 million in proceeds. Swaziek says the company's directors and officers had duties to oversee Discover's compliance systems, investigate warning signs and protect corporate assets, but intentionally or recklessly failed to do so.

Swaziek first demanded in January that Capital One's board investigate the alleged misconduct, bring claims against responsible current and former Discover officials, and consider governance reforms. Capital One's independent directors considered the demand at a May 8 board meeting and declined to pursue litigation, finding it was not in the company's best interests.

Swaziek argues that the refusal was wrongful because the board failed to sufficiently investigate or address the allegations and later declined to secure agreements that would prevent potential claims from expiring.

"The board did not take steps to improve the company's corporate governance or internal controls, or to rectify the misconduct of certain directors and officers," he said.

Swaziek asserts claims for breach of fiduciary duty, unjust enrichment, abuse of control, gross mismanagement and waste of corporate assets. The shareholder seeks damages for Discover and Capital One, repayment of allegedly improper compensation and profits, and court-ordered changes to corporate governance and internal procedures.

Contact information for the individual defendants was not immediately available, and representatives for Capital One, Discover and Swaziek did not immediately respond to requests for comment Tuesday.

Swaziek is represented by Brian E. Farnan and Michael J. Farnan of Farnan LLP, and Timothy Brown of The Brown Law Firm PC.

Counsel information for the defendants was not immediately available Tuesday.

The case is Stuart Swaziek v. Roger C. Hochschild et al., case number 2026-1071, in the Court of Chancery of the State of Delaware.

--Editing by Melissa Treolo.

BofA Loses Bid To Exit COVID-Era Calif. Benefits Card MDL

law360.com/articles/2515045/bofa-loses-bid-to-exit-covid-era-calif-benefits-card-mdl

(August 18, 2026, 10:22 PM EDT) -- A California federal judge largely denied Bank of America's bid for an early win in multidistrict litigation over allegations the bank mishandled reports of unauthorized ATM transactions on unemployment benefits cards issued during the pandemic, according to an opinion unsealed Tuesday.

U.S. District Judge Gonzalo P. Curiel's heavily redacted **order**, initially filed under seal on July 29, largely denies Bank of America NA's **October 2025 motion** for partial summary judgment on the 10 claims remaining in the operative master consolidated complaint filed in January 2025.

The judge first denied summary judgment on the cause of action alleging violations of the Electronic Fund Transfers Act, rejecting the bank's argument that the consumers haven't provided evidence of any recoverable "actual damages" because they have since been repaid the principal amount on their benefits cards.

"The EFTA creates liability for actual damages sustained as a result of a financial institution's failure to comply with any provision of the EFTA. Actual damages are sustained at the time of the violation of the EFTA," Judge Curiel said.

The plaintiffs here suffered actual damages when Bank of America "summarily denied" all unauthorized transactions using its automated fraud monitoring system and "rescinded permanent credits and froze accounts without the mandated investigation and issuance of provisional credits," according to the order. Actual damages "in the form of loss time value of money" continued until the benefits were reimbursed, the order states.

"BANA's attempt to limit actual damages to the lost time value of money runs contrary to the primary purpose of the EFTA which is for the protection of individual consumer rights … and the purpose of treble damages, which is to deter harmful conduct by financial institutions," Judge Curiel said.

"If the Court were to adopt BANA's position, it would encourage the unlawful denial of unauthorized transaction claims without the mandated investigation procedures and allow financial institutions to avoid or reduce monetary damages as long as the amounts denied, rescinded or frozen were eventually reimbursed to the claimants," he said.

In their complaint, the plaintiffs describe themselves as among those who lost their jobs during the COVID-19 pandemic, applied for unemployment benefits through California's Employment Development Department and were deemed eligible.

To receive their benefits, the plaintiffs say they relied on Bank of America, which contracts with the state to distribute benefits via debit cards and depository accounts, and they accuse the bank of treating their accounts "with less care than it affords its regular consumer debit and credit cardholders."

Judge Curiel in June 2025 **certified five different classes** of thousands of recipients of unemployment benefits during the pandemic's peak months. The classes include a "claim denial class," which consists of all Bank of America prepaid debit cardholders who notified the bank that an unauthorized transaction had occurred on their card at an ATM and whose claim the bank denied between Sept. 28, 2020, and June 8, 2021.

Another certified class, named the "account freeze class," covers all Bank of America prepaid debit cardholders who had their card account frozen by the bank between Sept. 28, 2020, and March 17, 2021.

The consumers claim the bank's failure to implement basic security measures, such as using standard security card chips, led to a spike in fraudulent transactions during the pandemic.

But instead of investigating each cardholder's claims of unauthorized transactions, the bank denied claims and froze thousands of accounts, then failed to manage the high volume of customer service calls from cardholders, depriving cardholders of access to crucial benefits for months, according to the consumers.

BofA filed the instant motion for partial summary judgment in October 2025, arguing that the consumers went from accusing the bank of failing to stop fraud in the accounts to claiming it was too stringent with its anti-fraud measures.

"Through a series of amendments, consolidations, and replacements of the representative plaintiffs, the [action's] theory of liability and even the parties asserting it have changed to assert exactly the opposite complaint, that [Bank of America] did too much to stop criminals from breaching their accounts — allegedly freezing suspicious accounts and denying transaction disputes with insufficient justification," the motion asserted.

The bank maintained that its anti-fraud measures were implemented in good faith under extraordinary circumstances.

Bank of America in June **moved to decertify** the classes, arguing that new evidence of ongoing benefits fraud has made the case impossible to try as a class action and that any damages award to the classes would result in "cash payments to criminal fraudsters."

In his order unsealed Tuesday, Judge Curiel denied summary judgment on the cause of action alleging violations of the California Consumer Privacy Act, finding that there are issues of disputed fact regarding whether Bank of America breached its duty to maintain reasonable security procedures related to class members' personally identifiable information by failing to issue prepaid debit cards with EMV chips.

The judge also denied summary judgment on the causes of action for negligent hiring, supervision and retention, and claims that Bank of America's subcontractors didn't do enough to protect personal information; for breaches of fiduciary duty and implied covenant of good faith and fair dealing; and for violations of the due process clause of the U.S. Constitution and California Constitution. He also denied summary judgment on punitive damages, the order states.

However, Judge Curiel granted summary judgment on the cause of action for violations of the California Unfair Competition Law as moot, after Bank of America argued it no longer provides prepaid card services for California's Employment Development Department. The consumers agreed that the claim is moot, according to the order.

The judge also partially granted summary judgment on the cause of action for negligence, which alleges that Bank of America breached its duty of care by failing to maintain the security of the consumers' personal and account information; failing to issue cards with EMV chips; failing to employ reasonable fraud prevention and notification practices; failing to provide timely and effective customer service; failing to investigate claims in a timely manner; and failing to provide provisional credits while investigating fraud claims.

Judge Curiel found that the plaintiffs have not backed up their claim that the Gramm-Leach-Bliley Act — which requires financial institutions to explain their information-sharing practices to customers and to safeguard sensitive data, according to the U.S. Federal Trade Commission — creates a duty of care for a negligence per se claim under California law, the order states.

Brian Danitz of Cotchett Pitre & McCarthy LLP, co-lead counsel for the class, said in a statement Tuesday that the "thorough 105-page decision is a major step toward achieving justice for Californians who were deprived of their only lifeline during the pandemic."

"This pandemic era case can finally go to trial and hold the bank accountable for failing to live up to its obligations at a tremendous cost to so many vulnerable Californians," he said.

Michael Rubin of Altshuler Berzon LLP, co-lead class counsel, added that Judge Curiel's order "picks apart the bank's defenses one by one and creates a clear path forward for the more than 100,000 California class members seeking treble and punitive damages."

"Plaintiffs contend that the bank's purported claim fraud filter was never designed to detect actual fraud, but was instead callously created to boost the Bank's bottom line at the expense of innocent unemployed Californians," he said.

A spokesperson for Bank of America told Law360 on Tuesday that it "will continue to vigorously litigate this matter in court."

The consumers are represented by Joseph W. Cotchett, Brian Danitz, Karin B. Swope, Vasti S. Montiel and Caroline A. Yuen of Cotchett Pitre & McCarthy LLP, and Michael Rubin, Stacey

M. Leyton, Connie K. Chan and James Baltzer of Altshuler Berzon LLP.

Bank of America is represented by Sabrina M. Rose-Smith, Matthew L. Riffee, Keith Levenberg, James W. McGarry and Laura G. Brys of Goodwin Procter LLP, Yvonne W. Chan of Jones Day, and Janice P. Brown and Matthew B. Nazareth of Meyers Nave.

The case is In re: Bank of America California Unemployment Benefits Litigation, case number 3:21-md-02992, in the U.S. District Court for the Southern District of California.

--Additional reporting by Katryna Perera. Editing by Emily Kokoll.

Amazon Shoppers' $309M Returns Class Deal Gets Initial OK

law360.com/articles/2515090/amazon-shoppers-309m-returns-class-deal-gets-initial-ok-

(August 18, 2026, 10:27 PM EDT) -- A Washington federal judge gave a tentative green light Tuesday to a $309.5 million class action settlement to end allegations that Amazon shortchanged consumers on refunds for returned items, with the e-commerce giant pledging to improve its return policies to prevent future problems.

U.S. District Judge Jamal N. Whitehead granted plaintiff shoppers' motion for preliminary approval of the deal, under which Amazon.com Inc. agreed to pay $309.5 million into a non-reversionary settlement fund for millions of customers who allegedly tried to return products but were improperly denied refunds.

That's in addition to $570 million Amazon had already returned to consumers, plus another $34 million it was on track to pay out to customers who experienced refund issues when the tentative settlement terms **became public** in January.

Under the terms, Amazon has also committed to making substantive changes to its return and refund practices, including regular monitoring to make sure returns are processed within the company's return policy timelines and notifying customers when a refund is approved or denied, according to court records.

Judge Whitehead deemed the settlement "fair, reasonable and adequate," and certified the following class for the purpose of the settlement — anyone who initiated a return to Amazon or requested a refund for a physical product received in the United States from September 5, 2017, to the time the class data is prepared, and who did not receive a refund, received an untimely or incorrect refund, or was later incorrectly charged for the returned product.

The court noted that the preliminary approval order "is not a finding of the validity or invalidity of any claims in this lawsuit or a determination of any wrongdoing by defendant or any of the released parties."

Plaintiffs Laura Abbott, Jill Cappel, Michelle Estep, Maria Khangi, Joshua Soto Lopez, Melissa Urbancic, Heriberto Valiente, Katherine Vojtko, Vince Vojtko and Dianne Walton-Williams were appointed class representatives.

The order gives class counsel from Quinn Emanuel Urquhart & Sullivan LLP and Zigler Law Group LLC until Oct. 2 to notify class members via email, a press release and dedicated settlement website.

A final approval hearing is slated for March 16, 2027.

In 2023, the court merged multiple proposed class actions brought by shoppers **who claim** Amazon promised "free, no-hassle returns," but routinely failed to refund consumers who had sent back items. The consumers claim items are often misidentified or separated while processing refund requests, and the e-commerce platform doesn't correct these errors because most customers don't notice.

When seeking tentative approval of the settlement in January, the plaintiffs said the deal provides more than $1 billion in benefits for the class, including the roughly $600 million Amazon began returning to consumers after the case was filed and the platform's pledged improvements, which the plaintiffs say are worth $363 million.

The parties **urged the court** to keep secret a provision of the deal specifying the threshold value of class member opt-outs that would trigger Amazon's right to terminate the settlement.

Judge Whitehead agreed to keep the provision under seal in an April order, reasoning that the threshold is "a figure third parties could use for the improper purpose of obstructing the settlement."

The judge also granted a request to maintain the seal on a declaration from supply chain consultant John Holton, saying the declaration "quotes and references confidential information" that may cause Amazon "to be commercially disadvantaged or prejudiced" if disclosed.

Amazon customer Erin Weiler objected to the tentative settlement terms in a May 20 court filing, calling the terms unfair and arguing that the relief provided by the deal is worth far less than the $1 billion the plaintiffs claim. Weiler is seeking to preserve a separate lawsuit she filed against Amazon in the same court, alleging different return policy violations.

Following a Monday hearing, Judge Whitehead denied Weiler's motion to intervene in the class action at this stage but said she may reassert her objections before the final approval hearing, according to a docket entry.

An Amazon spokesperson told Law360 in a January statement that an internal review last year identified "a small subset of returns where we issued a refund without the payment completing, or where we could not verify that the correct item had been sent back to us, so no refund had been issued."

"We started issuing refunds in 2025 for these returns and are providing additional compensation and refunds to eligible customers per the settlement agreement," the spokesperson previously told Law360, adding that the platform has taken steps "to fix the payment issue and made process changes to more promptly contact customers about unresolved returns going forward."

Representatives of the class and Amazon did not immediately respond to requests for comment Tuesday.

The class is represented by Nolan K. Anderson, Alicia Cobb, Matthew Hosen, Andrew H. Schapiro, Adam Wolfson, Justin C. Griffin and Alyssa G. Olson of Quinn Emanuel Urquhart & Sullivan LLP, and Aaron M. Zigler, Lawrence Ashe and Nidya S. Gutierrez of Zigler Law Group LLC.

Amazon is represented by Deena J.G. Feit, Jedediah Wakefield and Mary Griffin Sims of Fenwick & West LLP.

Objector Erin Weiler is represented by Yeremey O. Krivoshey and Joel D. Smith of Smith Krivoshey PC, and Todd Wyatt of Wyatt Gronski PLLC.

Coinbase Must Face Investor Suit Over SEC, Bankruptcy Risks

law360.com/articles/2514785

(August 18, 2026, 6:23 PM EDT) -- A New Jersey federal judge on Tuesday denied Coinbase's latest bid to escape a proposed class action accusing it of misleading investors about risks tied to regulatory action and potential bankruptcy, ruling that it is "not difficult to infer" that the company and its leadership were financially motivated to deceive shareholders.

The proposed class action accuses Coinbase of misleading investors by not telling them about an SEC investigation and that it wasn't properly safeguarding customer assets from possibly being sold off in bankruptcy. (Budrul Chukrut/SOPA Images/Sipa USA)(Sipa via AP Images)

U.S. District Judge Brian Martinotti said suing investors can move forward with claims that Coinbase and its fellow defendants, including CEO Brian Armstrong and Chief Financial Officer Alesia Haas, failed to warn them of the risks posed by a U.S. Securities and Exchange Commission investigation or a possible bankruptcy.

Judge Martinotti said he addressed many of the points raised by Coinbase **in a previous ruling** on a motion to dismiss and that a more recent ruling out of the Third Circuit didn't change his mind about defendants' knowledge of the alleged fraud.

"It is not difficult to infer from the facts alleged that defendants had a significant financial motive and, as such, knowingly issued the statements in an effort to willfully mislead plaintiffs," the judge ruled.

Coinbase was hit with the proposed class action in 2022. It accused the company of misleading investors in several ways, including by failing to inform them that the SEC was investigating the crypto platform for failing to register with the agency and that the company wasn't properly safeguarding customer assets against the risk that they would be sold off in bankruptcy.

Though Coinbase has never declared bankruptcy, the SEC did sue the company in 2023. The lawsuit was **voluntarily dismissed** last year, however.

But investors allege that Coinbase leadership took advantage of their insider knowledge of these risks to sell stock at artificially high prices, which only came down after the risks were revealed.

Coinbase and the other defendants have claimed that their statements to investors were not misleading and that investors hadn't proven that individual defendants knew about these alleged misstatements.

Judge Martinotti disagreed, pointing out that Armstrong and Haas signed off on the statements.

He also said that the Third Circuit's 2025 ruling in Handal v. Innovative Industrial Properties does not justify reconsideration of his earlier ruling that Coinbase executives had motive to commit fraud.

In Handal, the Third Circuit **affirmed the dismissal** of an investor lawsuit against a cannabis-focused real estate investment trust, finding that the lawsuit hadn't demonstrated that the REIT was motivated to deceive investors.

Unlike in Handel, the Coinbase plaintiffs have submitted facts that "support the assertion defendants had motive to engage in wrongful conduct at the time of the allegedly misleading statements — the reaping of billions of dollars in financial benefits by cashing out existing shares at inflated values following Coinbase's public listing before the public could learn about the risks associated with a potential bankruptcy and/or an enforcement action," Judge Martinotti said.

Neither Coinbase nor counsel for the investors immediately responded to a request for comment Tuesday.

The investors are represented by James E. Cecchi and Donald A. Ecklund of Carella Byrne Cecchi Brody & Agnello PC and Matthew L. Mustokoff, Joshua A. Materese, Margaret E. Mazzeo and Stacey M. Kaplan of Kessler Topaz Meltzer & Check LLP.

Coinbase and the other defendants are represented by Kevin M. McDonough, Samir Deger-Sen, Peter Trombly, Andrew B. Clubok, Susan E. Engel and Morgan E. Whitworth of Latham & Watkins LLP.

The case is In re: Coinbase Global Inc. Securities Litigation, case number 2:22-cv-04915, in the U.S. District Court for the District of New Jersey.

--Editing by Michael Watanabe.