

Law360 Features Partner Jonathan K. Cooperman on Supreme Court's Class Action Ruling

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Partner [Jonathan K. Cooperman](#) was quoted in the *Law360* article "Lawyers Weigh In On High Court's Class Action Ruling." On January 20, the Supreme Court ruled that defendants facing a Telephone Consumer Protection Act suit couldn't escape a class action by making a settlement offer to individual plaintiffs. While this case arose in the context of a putative class action asserting violations of the Telephone Consumer Protection Act, it applies to Rule 23 class actions generally.

Regarding the implications of the verdict, Mr. Cooperman stated, "In *Campbell-Ewald Company v. Jose Gomez*, the Supreme Court resolved a circuit split and held that an unaccepted offer of judgment pursuant to FRCP 68 does not moot the individual or class claims of a putative class action plaintiff when the offer is made prior to class certification. While a defendant can no longer moot a putative class action simply by offering complete relief to the named plaintiff, the court left open the possibility that actual payment — as opposed to a mere offer of payment — with corresponding entry of judgment may result in dismissal on mootness grounds."

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