

Class Actions and Complex Multi-Jurisdiction Litigation

Wiley's Communications Appellate & Litigation Team has assisted major corporations, including communications companies and equipment manufacturers, in defending high-stakes class actions and coordinating all aspects of complex multi-jurisdictional litigation. We leverage the firm's expertise in federal preemption, telecommunications regulation, and the enforceability of arbitration clauses to defend our clients' interests against a variety of state and federal claims.

Representative Class Actions

- **Administrative Charge Class Action.** In *Litman et al. v. Cellco Partnership d/b/a Verizon Wireless* (D.N.J.), Wiley represented a national wireless communications carrier against a putative class action in the District of New Jersey alleging the unlawful collection of administrative charges in wireless bills. Wiley obtained a dismissal in this case based on the enforceability of arbitration clauses.
- **Wireless 911 Call Completion Litigation.** In several consolidated cases, Wiley provided counseling, Federal Communications Commission (FCC) advocacy and litigation strategy to manufacturers and wireless service providers facing litigation over 911 call completion allegations. We helped secure dismissal with prejudice as well as two favorable FCC rulings that helped dispose of the litigation. *In re Wireless Telephone 911 Calls Litigation* (N.D. Ill.); *In the Matter of Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems* (FCC).
- **Hawaii Touch Tone Class Action.** Wiley secured summary judgment in state court and affirmance in the state Supreme Court in a \$300 million class action alleging that the company violated the state's unfair and deceptive trade practice statute by imposing a surcharge for touch tone functionality assessed under tariffs approved by the Hawaii Public Utilities Commission (PUC). *Balthazar v. Verizon Hawaii, Inc.* (Hawaii).
- **Commercial Speech Cases.** Wiley litigated major commercial speech issues, obtaining dismissal of consolidated class action cases from multiple state and federal courts on behalf of Molson Coors and other major American beer and spirits manufacturers sued by parents and guardians alleging that alcoholic beverage industry advertising is to blame for underage drinking. *Alston v. Advanced Brands & Importing Co.* (6th Cir.).

Multi-Jurisdiction Litigation

- **Radiofrequency (RF) Emissions Litigation.** Wiley secured major victories on behalf of wireless carriers and equipment manufacturers in consolidated cases involving allegations of injury caused by RF emissions from wireless devices and systems.
- **Judicial Review of Auctions.** Wiley represented a major telecommunications carrier before the FCC and in the courts of appeals relating to its participation in a spectrum auction, in which the carrier acquired substantial amounts of critical, advanced wireless services spectrum. This representation included appellate litigation in the U.S. Court of Appeals for the D.C. Circuit relating to the auction's service rules as well as collateral proceedings in the U.S. Court of Appeals for the Third Circuit challenging the auction.
- **Media Ownership.** Wiley represents major national radio and television broadcasters, an association of newspaper publishers and owners of newspapers and broadcast stations in the federal appellate challenges to the FCC's rules limiting local radio ownership, local television ownership, and cross-ownership of newspapers and broadcast stations. This litigation has included substantial motions practice involving venue and jurisdiction.
- **Children's Television Obligations.** Wiley represented a major media company in complex multi-district litigation involving consumer groups and children's television advocates, arising from the FCC's efforts to regulate the children's television obligations of broadcasters and cable providers. The case was notable for its complex regulatory and First Amendment issues, as well as a complicated motions practice over jurisdiction and venue in various courts of appeal.