

JON KARDASSAKIS: REPRESENTATIVE CASES

I. Consumer Fraud Class Actions			
Case Name	Court	Description	Result
Salameh et al. v. 5th & K Parcel 2 Owners Association et al (Hard Rock Hotel San Diego)	San Diego Superior Court case number 37-2010-00094424-CU-OR-CTL	Consumer fraud- fraud, breach of fiduciary duty, Unfair Competition Law (Cal. B&P Code 17200 et seq – “UCL”), alleged overcharging of unit owners fees at Hard Rock Hotel San Diego	Our motion for judgment granted and claims ordered dismissed 3/28/14. Affirmed on appeal.
Mann et al. v. McMillan-NTC 129, LLC et al.	San Diego Superior Court case number 37-2009-00101911-CU-FR-CTL	Consumer fraud- fraud, negligent misrepresentation, UCL, False Advertising Law (Cal. B&P Code 17500 et seq. – “FAL”) arising from sale of homes in Liberty Station	Judgment entered 5/9/13 in favor of all defendants at trial after our motion for decertification was granted and plaintiffs’ counsel commenced filing additional individual actions, which were all abandoned and dismissed following our win at trial in the lead case.
In Re Aurora Dairy Corp. Organic Milk Marketing and Sales Practices Litigation	22 Class actions consolidated in MDL proceeding before the U.S.D.C., E.D. of Missouri, no. 4:08-md-01907-ERW	Consumer fraud- statutory and common law fraud and consumer protection claims, breach of warranty, negligent misrepresentation, unjust enrichment arising from sale of organic milk to consumers	Judgment in favor of our client (QAI, Inc.) affirmed on appeal. See, In Re Aurora Dairy Corp. Organic Milk Marketing and Sales Practices Litigation, 621 F.3d 781 (8th Cir. 2010).
Burns w WD-40 Company	Orange County Superior Court case number 30-2010-00382503	Consumer fraud- Consumer Legal Remedies Act (Cal. Civ. Code 1750 et seq. – “CLRA”), UCL, breach of warranty and unjust enrichment arising from sale of household cleaning products	Trial court granted our motion for summary judgment, affirmed on appeal. See, Burns v WD-40 Company, Cal. Court of Appeal, 4th Appellate District, case no. G047027, Opinion filed 6/10/13.
Harbut, Parker v Mona Vie, Inc. et al	U.S.D.C. Central District of Cal. case no. EDCV12-1983 TJH (OPx)	Consumer fraud- CLRA, UCL, FAL, Magnuson-Moss Act, breach of warranty arising from sale of Acai berry products	Pending. Plaintiff’s two motions for class certification have both been denied.
Pontrelli v Mona Vie, Inc. et al	U.S.D.C. – D. New Jersey case no. 2:13-cv-04649-WJM-MF	Consumer fraud- New Jersey consumer protection claims, unjust enrichment arising from sale of Acai berry products	Pending.
Gonzalez v Mona Vie, Inc. et al	San Bernardino Superior Court case no. CIVDS1309111	Consumer fraud- UCL, FAL, CLRA, unjust enrichment arising from sale of Acai berry products	Case dismissed.
In Re Skechers Toning Shoes Products Liability Litigation	Multiple class actions and other actions consolidated in a MDL before U.S.D.C. – W.D. of Kentucky, MDL No. 2308	Consumer fraud- statutory and common law claims arising from sale of Skechers’ Shape-ups toning shoes	Final Order and Judgment Approving Class Action Settlement entered 5/13/13.
Nunes et al v Affinitylifestyles.com, Inc. dba Real Water	District Court, Clark County, Nevada, case no. A-16-74109-C	Consumer fraud – plaintiffs allege violation of Nevada Deceptive Trade Practices Act (NRS 41.600 and NRS Chapter 598), breach of express warranty, breach of implied warranty of merchantability and unjust enrichment.	Pending.
Wilhelm v International Career Development Center (ICDC College)	Los Angeles Superior Court case no. BC481389	Consumer fraud- statutory and common law claims arising from marketing of education programs college.	Motion to compel a two-party (non class action) arbitration granted 5/8/13.
Granquist et al v Shuttle Computer Group, Inc. et al	Los Angeles Superior Court case no. BC319409	Consumer fraud- CLRA, UCL, FAL arising from sale of computer mother boards	Order Granting Certification of a Settlement Class and Approval of Settlement entered 11/17/10.
Green et al v Diamond Pet Food et al	U.S.D.C. – Central District of Cal. case no. CV-09-00486-GAF (PLAx)	Consumer fraud- UCL, CLRA, negligence, unjust enrichment arising from sale of allegedly harmful pet food	Our motion to dismiss granted 6/9/09.
Carper et al v American Honda Motor Company Inc. et al	U.S.D.C. – Central District of Cal. case no. CV-07-1481 MMM	Consumer fraud- UCL, FAL, CLRA arising from sale of automobiles	Court granted our motion to dismiss by Order dated 7/13/07.
In Re Michelin North American, Inc. Pax System Marketing and Sale Practices Litigation	Multiple class actions consolidated before U.S.D.C. D. of Maryland, MDL case no. 08-md-1911	Consumer fraud- statutory and common law claims alleging defects in run flat tires	Order and Final Judgment Granting Final Approval of Class Action Settlement entered 6/23/09.
Olson v American Honda Motor Co. et al	U.S.D.C. – Central District of Cal. case no. 2:07-CV-02369 MMM (AJVx)	Consumer fraud- statutory and common law claims arising from sale of automobiles with run flat tires	Plaintiff voluntarily dismissed the suit with prejudice 8/3/07.
Robinson v American Honda Motor Company, Inc. et al	U.S.D.C. – District of Maryland	Consumer fraud- Breach of warranty and declaratory relief arising from sale of automobiles with run flat tires	Trial court granted our motion to dismiss on 6/11/07. Affirmed on appeal, see Robinson v American Honda Motor Co. Inc., 551 F.3d 218 (4th Cir. 2009).
Bacca v Bavarian Motor Works	U.S.D.C. Cal. and New Jersey	Consumer fraud- Breach of warrant and defective products claims alleging defects in the sub-frame of BMW vehicles spanning ten model years.	A settlement class was certified and settlement was approved by the court on 8/3/2009.
Morris et al v Bavarian Motor Works	U.S.D.C. –Northern District of Cal. case no. C 07-02827 WHA	Consumer fraud- statutory and common law claims alleging defects in run flat tires on certain BMW vehicles.	Plaintiffs voluntarily dismissed the action subsequent to the court granting in part our motion to dismiss certain claims. See, 2007 U.S. Dist. LEXIS 85513.
II. Privacy Class Actions			
A. Data Breach Class Actions			
Case Name	Court	Description	Result
Lewert v P.F. Chang’s China Bistro, Inc.,	USDC/Northern District of Illinois Eastern Div. Case no. 1:14-cv-04787 c/w 14-cv-04923-	Privacy Case – Data Breach – alleged disclosure of credit and debit card information.	Motion to dismiss granted in 2014. Reversed on appeal and remanded to the district court.
Lovell v P.F. Chang’s China Bistro, Inc.	USDC / Western District of Washington – Seattle Division Case no. 2:14-cv-01152	Privacy Case – Data Breach – alleged disclosure of credit and debit card information.	Motion to dismiss granted March 27, 2015.
Foster v Essex Property Trust, Inc.	USDC / Northern District of California, Case no. 5:14-cv-05531-EJD	Privacy Case – Data Breach – alleged theft of personal information	Motion to dismiss First Amended Class Action Complaint pending.
B. Disclosure of Confidential Medical Information Class Actions			
Case Name	Court	Description	Result
Springer et al v Stanford, et al.	Los Angeles Superior Court case no. BC470522	Privacy Case-Alleged unlawful disclosure of confidential medical information in violation of Cal. Civil Code 56 et seq.	Class action settlement approved 3/28/14.
Santana v. Rady Children’s Hospital	San Diego Superior Court , Case no. 37-2014-00022411 c/w 37-2014-00022652	Privacy Case – Data Breach – alleged disclosure of confidential medical information.	Pending
Dennis-Morgan v Loma Linda University Medical Center	San Bernardino Superior Court case no. CIVDS 1200637	Privacy Case-Alleged unlawful disclosure of confidential medical information in violation of Cal. Civil Code 56 et seq	Plaintiff dismissed for a waiver of costs in March 2014 after becoming persuaded that class certification would be denied.
Chavez v. Loma Linda University Medical Center	San Bernardino Superior Court, CIVDS 1200473	Privacy Case-Alleged unlawful disclosure of confidential medical information in violation of Cal. Civil Code 56 et seq	Plaintiff dismissed for a waiver of costs after becoming persuaded that class certification would be denied. October 29, 2012
C. Call Recording Cases			
Case Name	Court	Description	Result
Anderson v. PODS of Los Angeles et al	U.S.D.C. Central District of California case no. CV-13-4893 DSF (JCx)	Privacy Case-alleged unlawful recording of consumer’s telephone calls in violation of Cal. Penal Code 632 et seq.	Dismissed for lack of subject matter jurisdiction 11/13/13.
Cohen v Charter Communications, Inc. et al.	Los Angeles Superior Court case no. BC489061	Privacy Case-Alleged unlawful recording of consumer’s telephone calls in violation of Cal. Penal Code 632 et seq.	Plaintiff abandoned class claims and case settled on an individual basis.
Roman v BRE, et al.	U.S.D.C. Central District of California, case no. CV-11-03103	Privacy Case-Alleged unlawful recording of consumer’s telephone calls in violation of Cal. Penal Code 632 et seq.	Settled claims of named plaintiff only on an individual basis. Class claims abandoned.
Cohorst v. BRE, et al	U.S.D.C. S.D. of California, case no. 3:10-cv-2666 JM BGS	Privacy Case-Alleged unlawful recording of consumer’s telephone calls in violation of Cal. Penal Code 632 et seq.	Twelve state class action settlement in 2011. (Settlement included claimants in all states requiring all parties’ consent to record calls.)
III. Professional Services Class Actions			
Case Name	Court	Description	Result
Hakobyan et al. v Bander Law Firm et al	Los Angeles Superior Court case no. BC429310	Professional Services-alleged attorney malpractice and overcharging for mortgage refinance services	Plaintiffs abandoned the suit on or about 4/5/ 2010.
Yoon et al. v Bander Law Firm et al	Los Angeles Superior Court case no. BC431544	Professional Services-alleged attorney malpractice and overcharging for mortgage refinance services	Plaintiffs abandoned the suit on or about 8/26/ 2011 following rulings adverse to plaintiffs on the eve of trial.
Gergel v RST & Associates, et al	Los Angeles Superior Court case no. BC420271	Professional Services-alleged residential rental agents overcharged tenants in connection with move-out inspections and failing to pay interest on security deposits	Settled in 2010 on an individual basis following denial of plaintiff’s motion for class certification.
IV. Securities Class Actions			
Case Name	Court	Description	Result
Brown v China Integrated Energy, et al.	U.S.D.C., Central District of California case no. CV 11-02559 BRO (PLAx)	Securities litigation	Court granted approval of class action settlement in 2015.
V. Insurance Litigation Class Actions			
Case Name	Court	Description	Result
Foster v Automobile Club of Southern California, et al	Los Angeles Superior Court case no. BC 560910	Insurance litigation alleging breach of contract, unfair business practices for alleged illegal policy provisions and related practices and unfair business practices for alleged violation of Insurance Code § 790.03. Challenged the insurer’s right to decide whether to repair a vehicle or declare it a total loss and the policy provision excluding coverage for diminution in value following an accident.	Demurrer to Third Amended Complaint sustained without leave to amend August 31, 2016.
Reed v National General Insurance Company et al	Los Angeles Superior Court case no. BC594914	Insurance litigation alleging violation of Bus. & Prof. Code § 17200 et seq. challenging the right to pay a reduced percentage of collision repair expense where the insured elects to have the vehicle repaired at a shop not participating in the insurer’s Direct Repair Program.	Demurrer sustained to Second Amended Complaint without leave to amend May 31, 2016.
Montes v Bank of America, et al.	U.S.D.C., District of Nevada case no. 2:13-cv-006660 RCJ-VCF	Insurance litigation alleges breach of contract, bad faith, unjust enrichment, negligence, concealment and fraud, civil conspiracy and statutory violations arising from sale of insurance pursuant to Customer Rewards Program.	Motion to dismiss granted with leave to amend some claims. Case then settled on an individual basis.
VI. Skilled Nursing Case Class Actions			
Case Name	Court	Description	Result
Chandler et al v Long Beach Convalescent Center et al.	Los Angeles Superior Court case no. BC403866	Skilled nursing care – alleged failure to provide sufficient skilled nursing care staff for in-patient residents	Class action settlement approval granted.
VII. Employment Litigation Class Actions			
Case Name	Court	Description	Result
Lopez et al v IMT Capital, LLC et al	Los Angeles Superior Court case no. BC500006	Employment litigation / wage and hour claims	Pending.
Oh v Best Coach, et al	Los Angeles Superior Court case no. BC462848	Employment litigation / wage and hour claims	Class action settlement approved in 2013.
Garcia v Villa Elena	Los Angeles Superior Court case no. BC404490	Employment litigation / wage and hour claims	Class action settlement approved July 27, 2010.
Martirosyan v Music Express	Los Angeles Superior Court case no. BC417637	Employment litigation / wage and hour claims	Settled on an individual basis May 20, 2010
Talavera et al v QTS, Inc. et al	Los Angeles Superior Court case no. BC 501571	Alleged misclassification of truck drivers - Third Amended Class Action Complaint alleges failure to pay minimum wages, unlawful deductions from pay, failure to reimburse business expenses of employees, willful misclassification (PAGA), failure to provide meal and rest periods, failure to provide accurate wage statements, waiting time penalties, unfair competition, retaliation and civil penalties under the Private Attorney General Act of 2004 (PAGA)	Proposed class action settlement pending.
Woodworth v Loma Linda University Medical Center	San Bernardino Superior Court case no. CIVDS 1408640	Third Amended Complaint alleges violation of Bus. & Prof. Code § 17200 et seq., failure to pay all wages (Labor Code §§ 204, 206, 218, 510, 511, 1194 and 1198); violation of Labor Code §§ 226.7 et seq., failure to provide meal breaks (Labor Code §§ 226.7 and 512); inaccurate wage statements (Labor Code § 226), failure to provide rest periods (Labor Code §§ 226.7 and 512), unpaid wages due to illegal rounding (Labor Code §§204, 218, 510, 1194, 1194.2, 1197, 1198), and penalties under PAGA (Labor Code § 2698 et seq.)	Pending.
VIII. Discrimination (Food)			
Case Name	Court	Description	Result
Phillips v P.F. Chang’s China Bistro, Inc.	USDC/ Northern District Case no. 5:15-cv-00344	Discrimination – alleges unlawful discrimination by charging higher prices for gluten-free menu items.	After initial discovery Plaintiff was persuaded to move to voluntarily dismiss the action on April 27, 2016. This was not a settlement. Plaintiff received no consideration for the dismissal.