

Daily Journal

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TOP VERDICTS OF 2013

TOP DEFENSE RESULTS

McAdams v. Monier Group

In a rare class action jury trial aiming to capture more than \$250 million from Monier Group Services over the fading color of roofing tiles, attorneys at Morrison & Foerster LLP were able to secure a win for the defense — after the jury awarded more than \$7 million.

Led by San Francisco-based MoFo partner William L. Stern, the trial team convinced a judge that the statistical rationale the plaintiffs' expert used in an effort to prove the case was irrelevant and speculative. Placer County Superior Court Judge Roger Picquet vacated the \$7.41 million the jury had awarded to the class.

The class alleged that between 1976 and 2001, Monier made false and misleading statements about a particular type of roofing tile. To prove the case, plaintiffs' counsel used a statistical method. They took a sample of class members who had bought the roof tiles, taking depositions of only 22 people out of an estimated 125,000 class members.

They then asked the jury to decide how many of the 22 people relied on a statement about color loss on the tiles,



WILLIAM L. STERN



NATALIE NAUGLE



WILLIAM A. ROBLES

suggesting the jury should award an amount according to that proportion.

“Their whole case was statistical,” Stern said. “That has never happened before. I think we were the first people on either side to try a case where every element was based on statistics.”

The jury found that one out of 22 had relied on a statement, justifying the \$7.41 million award. *McAdams v. Monier Group*, CV-0016410 (Placer County Sup. Ct., filed Nov. 14, 2003).

Monier's attorneys filed post-trial motions challenging the statistical models. “We did a full-on attack on the statisti-

cal sampling and the methodology,” Stern said. “This trial wound up becoming a trial about 22 people in microcosm, but each one had the value of about 8,000 people.”

The judge granted Morrison & Foerster's motion for non-suit, ruling that plaintiffs had failed to prove their case.

Attorneys for the plaintiffs have filed an appeal to the 3rd District Court of Appeal, which earlier ruled to certify the class. Plaintiffs' attorney Michael Ram said the latest decision in the class action, originally filed in 2003, “is just another twist and turn in what's been a really long saga.”

— Hadley Robinson

case
INFO

False advertising class action

Placer County

Superior Court Judge Roger Picquet

Defense attorneys: Morrison & Foerster LLP, William L. Stern, Natalie Naugle; Robles, Castles & Meredith LLP, William A. Robles

Plaintiffs' attorneys: Ram, Olson, Cereghino & Kopczynski, Michael Ram; Boyd & Berkowitz, J. Kirk Boyd; Badham & Buck LLC, Richard Dorman