

## The **TWO & OAK** Legal Beat

### **NINTH CIRCUIT REAFFIRMS THE STANDARD OF REVIEW FOR CLASS CERTIFICATION IN DUKES V. WAL-MART**

In *Betty Dukes v. Wal-Mart, Inc.* 603 F.3rd 571 (9th Cir. 2010), the Ninth Circuit affirmed the certification of a class of female Wal-Mart employees who alleged that Wal-Mart discriminated against them in compensation and promotions. The *Dukes* decision is newsworthy because it is the largest gender discrimination class ever certified. Because of this, and because conservative commentators suggest that there are substantial differences among the circuits, it is likely that the US Supreme Court will grant certiorari.

More - <http://www.stollberne.com/ClassActionsBlog/2010/06/17/ninth-circuit-reaffirms-the-standard-of-review-for-class-certification-in-dukes-v-wal-mart/>

### **JUDGE ORDERS WELLS FARGO TO PAY \$203 MILLION IN OVERDRAFT FEE CLASS ACTION**

On August 10, 2010, in *Gutierrez v. Wells Fargo Bank, N.A.*, federal judge William Alsup of the Northern District of California ordered Wells Fargo Bank to pay restitution of \$203 million to California consumers who overdraw their checking accounts and were charged excessive overdraft fees because the bank re-ordered electronic debit transactions from the high dollar amount to the lowest dollar amount so as to deplete the customer's available funds as quickly as possible while maximizing the amount of "Overdraft fees" collected by the banks. The practice generated massive revenues. Between 2005 and 2007, Wells Fargo assessed over \$1.4 billion in overdraft penalties in California alone.



More - <http://www.stollberne.com/ClassActionsBlog/2010/08/11/judge-orders-wells-fargo-to-pay-203-million-in-overdraft-fee-class-action/>

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### **In this issue**

- [Dukes v. Wal-Mart.](#)
- [Wells Fargo Overdraft Class Action](#)
- [Booster Juice Franchise Agreement Litigation](#)
- [Paulson Broker Commissions Case](#)
- [Stoll Berne Class Actions Blog](#)
- [Oregon Food Bank Volunteer Day](#)
- [Stoll Berne Supports Cycle Oregon](#)

### **Stoll Berne Gives Back**

On Friday, August 13, 2010, employees from Stoll Berne volunteered their time at the Oregon Food Bank warehouse. The day wasn't completely selfless, considering how much fun everyone had. [More - http://www.stollberne.com/news/stoll-berne-gives-back](http://www.stollberne.com/news/stoll-berne-gives-back)

## FEDERAL COURT STAYS LITIGATION AGAINST STOLL BERNE CLIENTS IN DISPUTE OVER FRANCHISE AGREEMENTS

In an order dated July 30, 2010, federal judge Anna Brown, in *Juice Me, LLC v. Booster Juice Limited Partnership*, stayed federal court litigation brought in Oregon against Stoll Berne clients Booster Juice Limited Partnership, AW Limited Partnership, AW Holdings Inc., and Jonathan Amack. Plaintiffs filed their complaint against Stoll Berne's clients and another group of defendants shortly before an American Arbitration Association proceeding involving the same parties was terminated. Stoll Berne's clients sought to stay the federal litigation under Section 3 of the Federal Arbitration Act ("FAA") on the grounds that, despite termination of the arbitration proceeding, plaintiffs' claims still were subject to a binding agreement to arbitrate.

More - <http://www.stollberne.com/news/federal-court-stays-litigation-against-stoll-berne-clients-dispute-over-franchise-agreements>

## STOLL BERNE CLIENT WINS ARBITRATION OVER BROKER COMMISSIONS; AWARDED DEFENSE FEES

Stoll Berne recently successfully defended a dispute in arbitration on behalf of client, Paulson Investment Company. The claim was brought by a former Paulson broker who claimed breach of an oral agreement for substantial commissions stemming from the sale of insurance policies.

The Arbitrator awarded nothing to the claimant on his claim, and awarded Paulson its defense fees and costs. Stoll Berne attorneys Keith Ketterling and Yoona Park represented Paulson.

## STOLL BERNE CLASS ACTIONS BLOG

We recently started a blog to keep people informed about class action issues that may have an impact in Oregon. To visit the blog, go to: <http://www.stollberne.com/ClassActionsBlog>

## Stoll Berne supports CycleOregon

Stoll Berne, whose ranks include avid cyclists and a large contingent of commuters-by-bike, is a strong supporter of CycleOregon.

Stoll Berne believes a cycling event like CycleOregon helps Oregonians to connect with the natural beauty of our state and to appreciate the importance of preserving that beauty. More – <http://www.stollberne.com/news/stoll-berne-supports-cycleoregon>

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