

A solid yellow right-angled triangle pointing towards the top-left corner.

BLOGS

Class Actions

Federal Court Denies Certification of Consumer Obesity Claims

On October 27, the United States District Court for the Southern District of New York rejected class action certification in the obesity case filed against McDonald's Corporation in 2002. *Pelman v. McDonald's Corp.*, 2010 U.S. Dist. LEXIS 114247 (S.D.N.Y. Oct. 27, 2010). This is the case in which the plaintiff claimed that "deceptive marketing schemes" had caused consumer obesity. In a lengthy opinion, the court ruled that "extensive individualized inquiries" in the case preclude class action treatment. Those individual questions include causation and injury. As to the possibility that there could be many persons with identical injuries (and at least some common questions of law and fact), the court found insufficient evidence of other persons with the same conditions as the named plaintiffs, thus the numerosity element also was not met at this point. Class certification was denied in its entirety.