



Lathrop Gage Reverses Class Certification Decision in Ohio Appeals Court

January 11, 2013

OVERLAND PARK, Kan. (January 11, 2013) - Lathrop Gage recently reversed a decision in the Ohio District Court of Appeals for the Twelfth District on behalf of firm client Central Salt, LLC.

The case, *Rob George, et al. vs. R. Good Logistics, LLC, et al.*, involved residents of the village of Camden, Ohio alleging that they suffered damages from using and consuming contaminated water from Camden's public water system. The plaintiffs alleged the contamination was caused by improper storage of road salt by the owner of R. Good Logistics, which owns and operates a business that stored road de-icing salt for Cargill and Central Salt. The plaintiffs filed a motion for class certification of "all persons and businesses who reside or have resided in the Village of Camden, who receive or have received water through the Village of Camden's public water system, from August 1, 2010 through the present."

The firm's client and Cargill filed briefs with the Court of Appeals challenging the Preble County Court of Common Pleas ruling that the class certification was proper. The court found in favor of Central Salt and Cargill, reversing and vacating the trial court's finding of class certification. Specifically, the Twelfth District found that the trial court abused its discretion when it failed to provide factual analysis for dismissing the majority of arguments made by Central Salt and Cargill. The court further held that the finding of class certification was an abuse of discretion as the class definition was impermissibly indefinite and ambiguous, the plaintiffs failed to provide evidence of a reasonable estimate of potential class members who were actually harmed by contaminated water, and that common questions of law and fact did not predominate so that each plaintiffs case could be obtained through a single adjudication as plaintiff has a separate alleged injury and each instance varies.

The Lathrop Gage team for Central Salt included Jennifer Hannah (Business Litigation - Overland Park), David Frye (Tort - Kansas City), James Thompson (Environmental - Kansas City), Matthew Corbin (Business Litigation - Overland Park), Eric Weslander (Environmental - Kansas City), and Rebecca McMahon (Business Litigation - Kansas City).



About Lathrop Gage LLP:

A full-service law firm, Lathrop Gage LLP has more than 320 attorneys in 11 offices nationwide - from Los Angeles to New York. In 2012, Chambers USA ranked Lathrop Gage's corporate, environmental, intellectual property, labor and employment, litigation, real estate and transportation teams among the best in their regions. For more information, visit www.lathropgage.com.