Lightfoot

NEWS & INSIGHTS

LIGHTFOOT WINS 11TH CIRCUIT APPEAL IN CASE INVOLVING CAFA EXCEPTION

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Lightfoot, Franklin & White LLC won an appeal before the 11th U.S. Circuit Court of Appeals in a case involving the application of the Class Action Fairness Act (CAFA) to mass actions involving 100 or more plaintiffs. In its opinion, the 11th Circuit found for Lightfoot's client and ruled the case can be removed to federal court.

Partner **Brian P. Kappel** argued the case before the court **earlier this month**.

"We are pleased by this outcome and thank the court for its decision," said Kappel. "It was clear that the plaintiffs in the case did not meet the criteria under CAFA's local occurrence exception and that the federal courts have jurisdiction over this case."

The case, *Kelvin Spencer, et al. v. Specialty Foundry Products, Inc., et al.*, was filed in Alabama state court by the former employees of an iron foundry that ceased operations in 2017. Because the foundry no longer exists as a business, the plaintiffs are suing the makers and suppliers of products used in the foundry that they allege caused them harm.

The defendants petitioned for the case to be removed to federal court under CAFA, which was opposed by the plaintiffs. The district court found the case belonged in state court, a decision the defendants appealed to the 11th Circuit.

The 11th Circuit's opinion noted that the plaintiffs did not "allege a single culminating event that caused their harm. Instead, as counsel admitted at oral argument, their complaint alleges a string of events over time and later-resulting in harm." Because of this, the plaintiffs did not meet the test for the local occurrence exception and the case has been sent back to federal district court for further proceedings.

Before the 11th Circuit, three other circuit courts had ruled on interpretations of the local exception under CAFA, with a split in opinions. The 11th Circuit's ruling did not provide additional clarity on the issue. Rather, it chose to rule on this particular case and the facts presented.

In addition to Kappel, the Lightfoot team includes **John M. Johnson**, **Elizabeth H. Huntley** and Zachary P. Martin.

Kappel is a versatile trial lawyer who defends companies in a wide range of disputes, including complex class actions. He regularly handles matters involving antitrust, employment and product liability claims. In addition, Kappel has particular experience in investigating, defending and quickly resolving discriminatory practices claims.