

# Bridging the Gap

Between Ideas & Execution



WINNER

Michigan Firm of the Year

Bush Seyferth



Bush Seyferth PLLC

Mansfield Rule  
Certified Plus 2022-2023

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## CLASS ACTIONS OVERVIEW

Bush Seyferth PLLC (BSP Law) has extensive experience defending class actions in courts around the country, in areas including product liability, consumer protection, environmental, toxic tort, construction defect, and even “unconstitutional software.” Partnering with trial and discovery counsel, our class counsel craft defense strategies aimed at efficient resolution, whether through winning early motions, defeating class certification, settling favorably, or when necessary, trial and appeal.

BSP Law’s class team brings its trial-focused strength to its defense of class actions:

- Theme development, cross-case strategy
- Coordination with product defense
- Fact investigation and offensive discovery
- Development of due-diligence facts
- Defensive discovery, including company witness preparation and e-Discovery
- Dispositive motions
- Expert discovery and motions
- Class certification motions
- Trial (including preparation and mocks)
- Embedded appellate for trial
- Facilitation, Mediation, and Settlement
- Appeal

## CLASS ACTIONS CORE TEAM



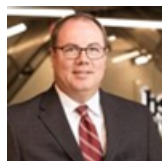
**Stephanie A. Douglas**

University of Michigan Law School  
*Clerkships:* U.S. Court of Appeals for the Sixth Circuit & U.S. District Court for the Eastern District of Michigan



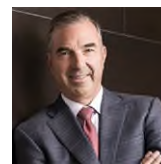
**Susan M. McKeever**

Villanova School of Law  
*Clerkships:* U.S. District Court for the Eastern District of Michigan & U.S. District Court for the District of New Jersey



**Roger P. Meyers**

University of Michigan Law School  
*Clerkships:* U.S. Court of Appeals for the Sixth Circuit



**Patrick G. Seyferth**

University of Michigan Law School  
*Clerkship:* U.S. District Court for the Eastern District of Michigan



**Justin B. Weiner**

The University of Chicago, The Law School  
*Clerkships:* U.S. Court of Appeals for the Seventh Circuit & U.S. District Court for the Northern District of Illinois



**Zakary A. Drabczyk**

Wayne State University Law School  
*Clerkship:* U.S. District Court for the Eastern District of Michigan



**Nicole K. Haelterman**

Wayne State University Law School  
*Clerkships:* U.S. District Court of Appeals for the Sixth Circuit & U.S. District Court for the Western District of Michigan



**Henry T. Holland**

Wayne State University Law School  
*Clerkships:* U.S. District Court of Appeals for the Sixth Circuit & The Michigan Supreme Court



**Lane Morrison**

University of Alabama School of Law  
Licensed in Alabama and Texas



**Charles S. Smith**

Tulane University Law School  
Licensed in Louisiana and Washington

## INDUSTRIES:



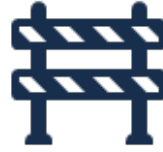
Automobiles



Environmental



Consumer Products



Construction



Technology



Food & Beverage

## SELECTED CASE STUDIES – DISPOSITIVE ISSUES & APPEALS

**Automotive:** Assisted in interlocutory appeal obtaining published vacatur of issues classes, with Sixth Circuit holding certification improperly conflated two defects.

**Automotive:** Spearheaded MDL consolidation strategy, assisted in briefing that won preemption and primary-jurisdiction dismissal, argued Sixth Circuit appeal securing published affirmance.

**Construction:** Won summary judgment and successful-party fees over \$500,000, based on named plaintiffs' mooted of his claims.

**Environmental:** Obtained dismissal of class and mass actions alleging damage to real and personal property arising from severe rain event. Handling appeals.

**Automotive:** Obtained prudential-mootness dismissals of multiple post-recall putative class actions. Handling post-judgment and appellate proceedings.

**Technology:** Won dismissal of putative section 1983 class action arising from service fees charged by Ohio county for access to court records.

**Technology:** Won dismissal of a putative class action alleging due process violations, holding injuries caused by state's unemployment insurance administration were not traceable to client's software.

**Construction:** Won order compelling arbitration and dismissal of class claims in putative class action alleging consumer fraud against national homebuilder.

## SELECTED CASE STUDIES – DISCOVERY & EXPERTS

- Coordinate discovery and defense of related product and class claims, including documents, witnesses, and experts.
- Serve as discovery counsel in the Takata class-action MDL (and national air-bag counsel in related product-liability matters).
- Enforced narrow scope of pre-certification discovery, opposing production of, among other things, customer names and addresses and consulting-expert work-product.
- Led project to identify and gather testimony from uninjured putative class representatives.
- Defeated motion to compel production of trade secrets, notwithstanding other manufacturers' similar productions.
- Compelled production of non-plaintiff responses to plaintiffs' counsel's advertisements, defeating claims of work product and privilege.
- Architected motion to compel factual basis for class-wide defect claims that resulted in production of privilege log before being mooted by non-class resolution.
- Obtained order striking plaintiffs' liability and damages experts for improper reliance on statistical evidence.

## SELECTED CASE STUDIES – CERTIFICATION & RESOLUTION

**Construction:** Defeated motion to certify Florida-wide class alleging defective stucco application.

**Environmental Mass Tort:** Limited damages and won trial bifurcation, enabling favorable settlement of mass action, later won summary judgment on hold-out claims.

**Automotive:** After cross-examining plaintiffs' experts, and before presenting defense experts, obtained favorable non-class resolution.

**Construction:** Defeated certification of putative next-of-kin class alleging property development flooded nearby cemetery and asserting claims for nuisance and interference with human remains.

**Food & Beverage:** In TCPA class action, identified early evidence that defeated class theory and resolved individually without motion practice.