

International Comparative **Legal Guides**

Class & Group Actions 2026

A practical cross-border resource to inform legal minds

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Developments and Trends in Collective Actions



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I United States

A class action in the United States is a method by which a group of plaintiffs seeks redress for a legal wrong. While specific requirements vary by state, under the federal rules and most state rules, a plaintiff must prove: (1) numerosity; (2) commonality; (3) typicality; and (4) adequacy of representation to protect the interests of the class. A plaintiff must also show that: (a) with individual class members bringing separate actions, a risk of inconsistent or varying adjudications would arise; (b) the defendant has acted or refused to act on grounds that apply generally to the class; or (c) questions of fact or law common to class members predominate over individual issues.

Trends

This year's trends include a continued increase in class actions challenging environmental marketing and health-related labelling claims, evolving theories of liability in privacy suits involving consumers' online activities, an ongoing growth of biometric data privacy class actions, and increasing obstacles to mass arbitrations.

Consumer protection litigation

“Greenwashing” and other environmental marketing claims
Plaintiffs continue to file “greenwashing” class action lawsuits against companies that market their products or services using claims such as “carbon neutral”, “environmentally responsible”, and “earth-friendly”. Recent lawsuits have targeted major brands, including Procter & Gamble, Apple, and Amazon.

In *Lowry v. Procter & Gamble Co.*, No. 2:25-cv-00108 (W.D. Wash. 2025), plaintiffs alleged Procter & Gamble misled consumers through its Charmin toilet paper branding – claiming irresponsible sourcing and misleading sustainability logos. In June, this lawsuit, along with several other similar lawsuits filed against Procter & Gamble across the country, was consolidated into a multidistrict litigation in the United States District Court for the Southern District of Ohio. In *Dib v. Apple Inc.*, No. 5:25-cv-2043 (N.D. Cal. 2025), plaintiffs challenged Apple's “carbon neutral” claims for certain Apple Watch models and corporate emissions, arguing the company's reliance on carbon offsets rendered the claims misleading. Apple filed a motion to dismiss, and the Environmental Defense Fund sought leave to file an *amicus curiae* brief in support. In *Ramos v. Amazon.com, Inc.*, No. 2:25-cv-00465 (W.D. Wash. 2025), plaintiffs challenged Amazon's use of “Climate Pledge Friendly” badges and FSC logos on paper products allegedly sourced from unsustainably logged forests.

Recent rulings in greenwashing cases have been mixed. In *Gyani v. Lululemon*, No. 24-cv-22651 (S.D. Fla. Feb. 2025), the court dismissed claims for lack of standing, finding plaintiffs failed to show they paid a price premium based on the company's environmental representations and thus failed to plead an economic injury. By contrast, in *Plastic Pollution Coalition v. Danone Waters*, No. 2024-CAB-004562 (D.C. Mar. 2025), the court denied a motion to dismiss claims under the District of Columbia's consumer protection law, holding that the plaintiffs plausibly alleged that claims like “sustainable” and “natural spring water” were misleading due to the presence of microplastics and BPA (Bisphenol A).

The Federal Trade Commission was expected to release its revised Green Guides by the end of 2024. As of the time of writing, no updated version has been published.

“Healthy” labelling and FDA pre-emption

Consumers continue to bring deceptive labelling claims against food and beverage companies, alleging the product packaging misleads consumers into believing the products are healthy. For example, in *Testone v. Go Macro, LLC*, No. 3:25-cv-01743 (S.D. Cal. 2025), plaintiffs alleged claims on Go Macro's bars mislead consumers to believe the products are healthy despite their sugar content. Similarly, in *In re VNGR Beverage, LLC Litigation*, No. 4:24-cv-03229 (N.D. Cal. May 2024), plaintiffs filed a putative class action complaint against Poppi, a prebiotic soda brand, alleging that the company's claims promoting gut health were misleading because each can contains only 2 grams of prebiotic fibre, which they argued was insufficient for meaningful benefit given the sugar content. The court granted preliminary approval of an \$8.9 million settlement in May 2025.

Courts continue to weigh whether state-law claims are pre-empted by federal labelling laws. In *Scheibe v. ProSupps USA LLC*, No. 23-3300 (9th Cir. June 2025), the Ninth Circuit reversed a lower court's dismissal of claims that a dietary supplement was falsely labelled as having zero carbohydrates and calories on the ground that the claims were pre-empted. Although the plaintiff tested only one sample – while the Food and Drug Administration (“FDA”) regulations require 12 for labelling compliance – the court found it reasonable to infer that the product would be misbranded if tested under the FDA's standard, and held the claims were not pre-empted.

In December 2024, the FDA issued its long-awaited final rule updating the definition of “healthy” for food labelling. Among other changes, the rule aligns “healthy” claims with current nutrition science and limits use of the term to products meeting specific thresholds for nutrients like added sugars, saturated fat, and sodium. Manufacturers must comply by 25 February 2028.

Data privacy

Website-tracking class actions

Class action lawsuits alleging unauthorised tracking of consumers' online activity continue to expand and evolve. There has been a rise in plaintiffs filing website-tracking class actions pursuant to the Video Privacy Protection Act ("VPPA"). Enacted in 1988 after a newspaper published a Supreme Court nominee's VHS rental history, the VPPA prohibits disclosing personally identifiable information tied to consumers' video viewing habits without consent. Plaintiffs have increasingly sued for violation of the VPPA in recent years. In 2024, in *Salazar v. National Basketball Association*, No. 23-1147 (2d Cir. October 2024), the Second Circuit adopted a broad view of who qualifies as a "consumer" of the defendant's "goods or services" under the statute, prompting a wave of lawsuits filed under the VPPA. However, in April 2025, in *Salazar v. Paramount Global*, No. 23-5748 (6th Cir. April 2025), the Sixth Circuit took a narrower interpretation, resulting in a circuit split on who is a "consumer" of "goods and services" under the VPPA. The NBA has filed a petition for a writ of certiorari seeking review of the Second Circuit's opinion.

Similarly, plaintiffs continue to use pre-internet privacy laws to file putative class action lawsuits against companies that use tracking technology to collect customer information on their websites. In *Mitchener v. CuriosityStream, Inc.*, No. 25-cv-01471 (N.D. Cal. August 2025), the plaintiff alleged CuriosityStream's site incorporated TikTok tracking code that collected browser and device information – effectively "fingerprinting" users – and transmitted it to TikTok without consent, allegedly allowing for potential deanonymisation of users. The court granted CuriosityStream's motion to dismiss on the ground that the plaintiff failed to allege an injury in fact. The plaintiff has appealed the decision to the Ninth Circuit.

Biometric data privacy class actions

Since its enactment in 2008 as the first biometric privacy law of its kind, the Illinois Biometric Information Privacy Act ("BIPA") has comprehensively regulated the collection, use, retention, disclosure, and dissemination of biometric identifiers and information, such as fingerprints and face scans. The BIPA bars such practices unless the collector informs the person in writing of the specific purpose and length of term for which the data is being collected, stored and used, and receives a written release. A central component of the BIPA is its private cause of action, which allows "any person aggrieved by a violation of [the] Act" to sue for statutory damages of \$1,000 for each negligent violation and \$5,000 for each intentional or reckless violation, plus injunctive relief, costs and attorney's fees. The Illinois legislature, in passing S.B. 2979 in August 2024, clarified that an individual may now only recover for a single violation of unconsented use of biometric data under the BIPA, irrespective of the number of times a party collected biometric data.

In recent years, lawsuits alleging violations of the BIPA have proliferated in courts around the country. For example, in August 2025, in *Jankowski v. The Home Depot*, No. 1:25-cv-09144 (N.D. Ill. August 2025), a customer filed a putative class action against Home Depot alleging the facial recognition technology the retailer deploys at its self-checkout kiosks illegally scans, collects, and uses consumers' geometric facial data without informed consent.

Securities

Cryptocurrency class actions

Class action lawsuits against various celebrities for endorsing

FTX, Binance, and other collapsed cryptocurrency exchanges continue to make their way through the courts. These lawsuits seek to recover losses by investors allegedly harmed by the celebrities' promotions and could result in significant damages if they are found liable. In May 2025, a federal judge in Florida dismissed most claims against several high-profile defendants – including Tom Brady, Stephen Curry, Gisele Bündchen, Larry David, Naomi Osaka, Kevin O'Leary, and the Golden State Warriors – holding that the plaintiffs failed to sufficiently allege that the celebrities knew of FTX's fraud or intended to deceive investors. However, claims under Florida and Oklahoma securities laws, involving the alleged promotion of unregistered securities, were allowed to proceed. Plaintiffs were granted leave to amend their complaint.

Mass arbitration

Mass arbitration refers to the legal process by which plaintiffs' firms file a large number (typically in the hundreds or thousands) of coordinated single-claimant arbitration cases against a company, instead of one class action lawsuit. The use of mass arbitration has sparked legal challenges, as demonstrated by recent litigation involving Ticketmaster's arbitration practices.

In a recent putative antitrust class action, plaintiffs alleged anticompetitive practices in online ticket sales through Ticketmaster's website. The tickets' Terms of Use required arbitration of disputes via New Era ADR, a newly established arbitration entity employing expedited and mass arbitration procedures. The district court denied the defendants' motion to compel arbitration under this agreement.

On appeal, the Ninth Circuit, in *Heckman v. Live Nation Entertainment, Inc.*, No. 23-55770 (9th Cir. October 2024), held that Ticketmaster's arbitration agreement – including its delegation clause mandating arbitration under New Era ADR's novel mass arbitration procedures – was both procedurally and substantively unconscionable and therefore unenforceable under California law. The court further ruled that applying California's unconscionability principles was not pre-empted by the Federal Arbitration Act.

Live Nation and Ticketmaster subsequently filed a petition for a writ of certiorari to the Supreme Court, which may decide whether arbitration procedures like New Era ADR's mass arbitration, combined with delegation clauses, are enforceable under the Federal Arbitration Act despite challenges based on state unconscionability doctrines.

II United Kingdom

Since the Competition Appeal Tribunal ("CAT") certified its first application for a collective proceedings order ("CPO") in *Merricks v. Mastercard* in August 2021,¹ the UK's collective proceedings regime has developed significantly, with a steady increase in the number of competition class actions. This now well-established collective redress mechanism, combined with the greater availability of litigation funding driving more innovative use of other collective redress mechanisms available in the English courts, has resulted in the continuing growth of group actions in the UK.

Historically, the main method of managing a collective action in this jurisdiction was by seeking a group litigation order ("GLO"), a procedural mechanism that has been available since the early 2000s. GLOs operate on an "opt-in" basis (i.e., a party will not be included in the claim unless it positively takes steps to join the class), with the court ordering active joint case management of multiple claims giving rise to common or related issues of fact or law. GLOs are potentially suited to many different types of claims, including data breaches, shareholder actions and environmental damage claims.

However, GLOs remain relatively uncommon in England and Wales. In each of 2019, 2020 and 2021, only one GLO was made, and this number has increased only incrementally over the following years. The scant number of GLOs being made in England is likely due to the absence of an opt-out system and the modest procedural advantages a GLO offers over the alternative of simply pursuing a joint claim on behalf of a group of identified claimants (if the court is satisfied that all claims can be conveniently disposed of in the same proceedings), or by seeking consolidation of several individual claims relating to the same issue by way of active court case management.

In addition to GLOs, a representative of a defined class of claimants all sharing the same interest may bring a “representative action” on the claimant group’s behalf against a defendant. In such cases, the claimants in the group need not be named individually, as the representative claimant acts as the lead party. Representative claims can only be brought if the grouped claimants have the “same interest” – a high hurdle to satisfy – and a remedy beneficial to all; they are not appropriate for a broad class of claimants with individually different claims (even if linked) against a defendant.

The CPO mechanism, one of the most significant procedural developments in collective actions in recent years, was introduced by the Consumer Rights Act 2015. A class action procedure in the true sense, it allows mass competition claims to be brought on behalf of UK-based claimants before the CAT. This mechanism can operate on an “opt-out” basis with a representative claimant, making it possible to bring claims where the quantum of each individual claim would otherwise be too uneconomical to be viable.

However, despite the CPO mechanism having been available for more than five years prior, it was only on 18 August 2021 that the CAT made the first CPO in *Merricks*. The CAT had initially rejected the application, but it was remitted for reconsideration following appeals to the Court of Appeal and the Supreme Court, both of which indicated that a less stringent approach to class certification should apply. The more liberal approach to certification adopted by the appellate courts led to a considerable spike in CPO applications before the CAT (certification of the claim being a necessary precursor to a claim’s progression).

Since the *Merricks* CPO, there has been marked growth in the number of collective actions brought before the CAT each year (with more than 60 CPO applications having been issued in total at the time of writing), accompanied by a noticeable increase in the percentage of collective actions being certified. It has been reported that the collective proceedings before the CAT are now worth a combined total of £160bn.²

A new milestone in the development of the CAT’s collective action regime was reached in December 2024 when the first merits trial judgment was handed down in *Le Patourel v. BT*.³ The CAT unanimously rejected Mr Le Patourel’s excessive pricing claim against BT, serving as a reminder that success at the certification stage is no guarantee of success at trial where the merits of the claim will be subject to rigorous scrutiny by the CAT. As of May 2025, two further trials have taken place, with judgments pending in *McLaren*⁴ and *Dr Kent*.⁵ Such judgments will provide further valuable guidance as to the CAT’s overall approach.

This year also saw the conclusion of *Merricks* with the largest settlement reached in collective proceedings to date. Although substantial, at £200 million, the settlement represented only 1.5% of the value of the claim originally advanced and made headlines when the funder – Innsworth Capital Ltd – challenged the settlement on the basis that it was too low. This challenge failed, with the Tribunal finding that the settlement was “just and reasonable” for the class members.

Trends

Data protection

The introduction of specific data legislation (the General Data Protection Regulation (“UK GDPR”) and the Data Protection Act 2018) has driven increases in collective actions, as data subjects have been afforded more rights and greater transparency over how their data is used. With data breaches generally affecting more than one claimant, they naturally lend themselves to collective action. However, some English court decisions have highlighted the potential hurdles that such claims may face.

The most high-profile of such actions brought in England to date, *Lloyd v. Google LLC*,⁶ concerned an attempt to bring a representative claim on behalf of more than 4 million Apple iPhone users. The claimants alleged that Google breached its duties as a data controller under the Data Protection Act 1998 by secretly tracking some of the users’ internet activity for commercial purposes. In a landmark judgment in November 2021, comprehensively dismissing Lloyd’s representative action, the Supreme Court found, *inter alia*, that the action was not brought on behalf of individuals who had the requisite “same interest”.⁷ It held that “loss of control” over data was not by itself a viable basis for damages. This was a welcome decision for data controllers and suppressed a potential wave of mass claims for data protection infringements.

Lloyd was decided under the old statutory data protection regime and not the UK GDPR. The UK GDPR provides for loss of control over personal data as an example of non-material damage. Thus, the question of “loss of control” as a viable basis for damages remains open under the current legislative framework; it remains to be seen whether representative actions under the new data protection regime might still be attempted.

That said, an immediate consequence of the Supreme Court’s decision in *Lloyd* was the discontinuance of other data protection representative actions. For example, a representative action brought by Duncan McCann against YouTube was withdrawn in February 2022, and another with Rebecca Rambul as representative claimant against Salesforce and Oracle was dropped in May 2022 – both expressly as a result of *Lloyd*.

In deciding *Lloyd*, the Supreme Court left the door ajar as to whether loss of control damages could be awarded in representative actions brought in misuse of private information claims (as opposed to data protection claims). However, in May 2023, the High Court delivered a landmark judgment in *Prismall v. Deepmind*⁸ (a representative action on behalf of 1.6 million patients against Google and DeepMind Technologies in relation to the development and testing of an app used for the diagnosis of kidney disease).⁹ The judgment confirmed that misuse of private information claims cannot be brought as representative actions. The reasoning echoed that of the Supreme Court in *Lloyd*: it could not be said that the class satisfied the “same interest” test. The Court of Appeal upheld this decision in December 2024.

It is clear that the English courts are strict in applying the “same interest” test, making it difficult for multiple claimants to recover compensation when data privacy rights are infringed. Bringing claims on an individual basis, for example via a GLO, is likely not to be financially viable in the vast majority of cases. It may be that data privacy class actions instead attempt to reframe their case to enable them to be brought as collective proceedings in the CAT – in fact, *Gormsen v. Meta*¹⁰ is a collective proceeding based purely on data privacy complaints. It remains to be seen whether the collective proceedings regime provides an alternative route for data privacy actions in the future, with claimants framing their cases to bring them within the scope of the CAT.

Competition

Trends in certification and the evolving CPO regime

The past year has seen various CPO judgments from the CAT and the Court of Appeal, developing the law in this novel area and improving stakeholders' understanding of how the regime operates in practice. Whilst the CAT continues to take a relatively permissive approach to certification, the last year has seen the first two decisions outright rejecting certification without an opportunity to reformulate the claim.

The CAT's first outright rejection of a CPO was in *Riefa*¹¹ in January 2025. The CAT found that Professor Riefa, the proposed class representative, had failed to demonstrate sufficient independence or robustness to act fairly and adequately in the interests of the class of 36 million consumers who, it was alleged, suffered loss when Apple and Amazon reached a secret deal in 2018 to cull independent merchants selling Apple-made goods on Amazon. The decision rested on several matters, notably including Professor Riefa giving incorrect evidence during cross-examination as to the nature of the funding arrangements. The judgment may encourage proposed defendants to test the suitability of the proposed class representative at the certification stage, particularly for complex cases with complex funding arrangements.

Shortly after the decision in *Riefa*, in March 2025, the CAT rejected six CPOs sought by Professor Roberts in claims against various water utilities companies.¹² The claims alleged abuse of dominance based on purported under-reporting of pollution to the utilities' regulator (Ofwat), and consequent over-charging of services to customers. Had these claims been permitted to proceed, they would have been the first environmental class actions in the CAT. Whilst the CAT ultimately refused certification on the basis that the claims were excluded by legislation specific to water companies, it confirmed that the alleged conduct *could* fall within the scope of competition law and stated that, save for the exclusionary legislation, it would have certified the claim. Nonetheless, the CAT's judgment is significant as only the second outright refusal of an application to certify since the Supreme Court decision in *Merricks*. Professor Roberts has sought permission to appeal.

Importantly, the end of 2024 saw the CAT hand down its first trial judgment in *Le Patourel*,¹³ following an eight-week trial. BT succeeded in its defence of claims that it abused its dominant market position to overcharge around three million landline customers by £1.3 billion. Whilst Mr Le Patourel overcame the first hurdle of establishing that BT was dominant in the relevant market, the CAT unanimously rejected Mr Le Patourel's claim on the basis that BT's prices were not so excessive as to constitute an abuse of its dominant position. The judgment underscores the case-specific considerations to determine whether excessive prices are unfair, and the relatively high bar to establishing abuse.

On 6 August 2025, the UK Government launched a consultation, led by the Department for Business and Trade, to review the collective proceedings regime in the CAT. The consultation expressly notes the "*potential burden on business that increased exposure to litigation can present*" and the Government's awareness of a need to find "*the right balance between achieving redress for consumers and limiting the burden on business*". The review will consider potential improvements to the collective proceedings regime and how alternative dispute resolution options might be made more attractive and effective. Responses to the initial consultation will close in October 2025, with further consultation on any proposals for change to the regime expected at a later date.

Collective settlement and distribution of damages

The scale, complexity and number of stakeholders involved in collective actions tends to lead to less straightforward settlements than in standard civil claims. Any collective settlement of an opt-out proceeding is only binding if it is approved by the CAT, with the Tribunal taking an active role to ensure it is satisfied that the settlement terms are "just and reasonable". There have been a number of collective settlements approved this year, which have also allowed the CAT to comment on and explore the developing area of distribution of damages.

The most notable settlement in the past year – and the largest settlement of collective proceedings brought in the CAT to date – was in *Merricks*. The proceedings were brought before the CAT on behalf of consumers and based on the European Commission's finding that Mastercard's European Economic Area ("EEA") multilateral interchange fees ("MIFs") breached Article 101(1) of the Treaty on the Functioning of the European Union. ("TFEU"). The claim, backed by funder Innsworth Capital Ltd, originally sought £10 billion of damages.¹⁴ In December 2024, the parties reached a provisional agreement to settle the collective proceedings for £200 million and sought an order for the CAT's approval in January 2025. That settlement made headlines when Innsworth applied to intervene in the application for approval of the settlement in order to register its objection on the basis that the value of the settlement was too low. This highlighted the potential for a significant divergence of views and interests between the class representative and their funder. Innsworth was granted permission to intervene in the collective settlement approval hearing. However, after a three-day hearing in February 2025, the CAT approved the provisional settlement.

Judgment setting out the basis for the CAT's decision to approve the settlement was handed down on 20 May 2025, shedding some light on the Tribunal's approach to distribution and the funder's return on investment. Of the £200 million settlement figure, the Tribunal ringfenced half (£100 million) for class members and circa £45.5 million as a minimum return to Innsworth (with Innsworth's return capped at £68 million (1.5x its investment)) (Innsworth had been seeking £179 million).

The outcome of the *Merricks* distribution process will no doubt lead to further debate as to whether the current collective proceedings regime adequately serves the interests of consumers relative to law firms and funders. How much each class member will ultimately receive depends on how many individuals sign up, which is unknown at this stage. If the expected 5% of beneficiaries come forward, each would receive £45. If the majority of the class come forward, the amount could be as low as £2.50. Any unclaimed sums will go to the Access to Justice Foundation.

In other notable settlements, in January 2025 the CAT handed down judgment approving further collective settlements in the *McLaren* proceedings.¹⁵ A settlement with the case's 12th defendant had already been approved in 2023, with the CAT now approving further settlements between Mr McLaren and the fourth and sixth to 11th defendants. Distribution of damages is to be deferred until the outcome of the trial against the remaining defendants is known and pending formulation of a distribution plan (which *McLaren* confirmed is a necessary condition to distribution of damages). £1 million has been set aside as a contribution by the settling defendants to the costs of the distribution plan and distribution process, following the approach taken in *Gutmann v. South Western Trains* where the defendant contributed £750,000 towards the costs of distribution.

The past year has also seen the CAT focus on the distribution of damages at an earlier stage of the proceedings. The CAT is encouraging class representatives to plan for the distribution of damages well before judgment/settlement.

Clare Mary Joan Spottiswoode CBE v. Nexans France S.A.S. and Others (certified on 3 May 2024)¹⁶ is a follow-on proceeding from the European Commission's finding of a power cables sector cartel, alleging that the defendants shared markets and allocated customers to the detriment of consumers of electricity. In its certification judgment, the CAT expressed uncertainty as to the proposed damages distribution plan, raising the concern that the large size of the class and the potential difficulties for the class members in recalling and proving what electricity bills they paid going back over 20 years could result in a low number of class members claiming damages. This was particularly so where the quantum of damages per class member might be small. The CAT stated it would be "unattractive" to spend tens of millions of pounds on legal and funder's fees only to find a few class members coming forward. As such, there was a need to explore "innovative and creative" methods of distribution, and the CAT ordered Ms Spottiswoode CBE to file a report, setting out her proposals for a practicable and efficient methodology for the distribution of damages. The Tribunal expressly stated that if the proposal did not meet the Tribunal's concerns, it could exercise its powers to revoke certification.

Funding

In order to obtain a CPO, the proposed class representative must satisfy the CAT that, among other requirements, they have adequate funding arrangements in place that comply with the applicable legislation. Invariably, collective proceedings currently advancing through the CAT are funded by litigation funders.

In a landmark judgment rendered in July 2023, the Supreme Court determined that, contrary to established industry practices and expectations, the litigation funding agreements used in the *Trucks* case were impermissible "damages-based agreements" ("DBAs"),¹⁷ because the funders were to receive a percentage of any damages ordered (this case is known as "*PACCAR*").¹⁸ It is not uncommon for litigation funding agreements to operate with the funder rewarded by reference to a percentage of any damages recovered (as in *PACCAR*) or, in the alternative, a multiple of the amount advanced by the funder. This ruling caused disquiet in the funding community, necessitating changes to the way class actions are funded.

New legislation had been proposed in the form of the Litigation Funding Agreements (Enforceability) Bill, which, if enacted, would have reversed the *PACCAR* decision such that litigation funding agreements were no longer treated as DBAs. However, the current UK Government has not pursued this.

On 2 June 2025, the Civil Justice Council ("CJC") published its final report on its review into litigation funding. As well as making recommendations for wider reform of litigation funding, the report advocates for legislation to reverse the effect of the Supreme Court's decision in *PACCAR*. In particular, the CJC's report recommends that legislation should be introduced to make clear that litigation funding is not a form of DBA; it is a form of funding distinct from that provided by a party's legal representative. The CJC's report states that the reversal of *PACCAR* should be implemented as soon as possible. We await the Government's response to see which of its recommendations will be implemented, when and how (including, potentially, by the reintroduction of the Litigation Funding Agreements (Enforceability) Bill).

In positive news for litigation funders, in the past year the Court of Appeal has handed down two decisions that resolve previously outstanding questions with respect to funding of claims in the CAT. In *Gutmann (Apple)*,¹⁹ the Tribunal confirmed that in principle it is permissible for a funder and lawyers/advisors to be paid a return out of damages before distribution

to class members, and in *Sony*,²⁰ the Tribunal confirmed that multiples-based funding arrangements, even if capped by reference to the damages recovered, are not DBAs.

Technology

The technology and digital markets sectors remain a focus of claims for collective redress, and we have seen a number of new claims being brought or certified in the CAT over the past year.

In June 2024, the CAT certified a £14 billion opt-out collective proceeding claim brought by Ad Tech Collective Action LLP (on behalf of a group of website publishers running online ads) against Google, and its parent company, Alphabet.²¹ The class action alleges that Google unlawfully restricts competition by favouring its own ad services over third-party publishers, causing them to generate lower revenues.

In March 2025, the CAT certified a £1 billion opt-out collective proceeding claim against Google on behalf of software developers, in which it is alleged that Google abused its dominant position in order to stifle competition from app developers by imposing excessive and unfair commission on sales made via its Play Store.²²

In July 2025, the CAT certified a £1.3 billion opt-out collective proceeding claim against Amazon for allegedly prioritising offers that benefit Amazon financially on Amazon's "Buy Box" algorithm, resulting in millions of consumers paying inflated prices.²³

In August 2025, a fresh claim was filed against Amazon by the Association of Consumer Support Organisations ("ACSO") alleging that Amazon's pricing policies have unfairly inflated costs for shoppers. The claim centres on Amazon's "price parity" policies, which ACSO says prevent sellers from offering lower prices on other websites, allow Amazon to charge higher fees without fear of being undercut, and lead to UK consumers paying inflated prices when sellers pass on those costs.

Securities

Securities-related collective proceedings have gained momentum in recent years, and this is anticipated to continue. Financial instability and uncertainty, as well as the continued legacy of the pandemic on financial performance and shareholder returns, has seen securities disputes garner strength, with companies being targeted by disgruntled investors over perceived failures in performance.

Key securities actions brought in England to date include: *Various Claimants v. G4S Limited*, by which shareholders in G4S are claiming for losses arising out of alleged misconduct relating to contracts entered into between the Government and Care and Justice Services (UK) Limited (a G4S subsidiary), for the electronic tagging of offenders and the management of court facilities; the *RBS Rights Issue Litigation*, a group litigation concerning claims brought by shareholders against RBS following its 2008 rights issue and the alleged inaccurate information having been provided as to its financial position; the *Lloyds/HBOS Litigation*,²⁴ another group litigation concerning claims for, *inter alia*, breaches of directors' duties; and *SL Claimants v. Tesco Plc*,²⁵ where institutional investors claimed compensation from Tesco for (allegedly) false and misleading income and profit statements.

The judgment of *ACL Netherlands B.V. and Others v. Lynch and another* was handed down by the High Court in May 2022.²⁶ This was the first claim to go to trial under section 90A and schedule 10A of the Financial Services and Markets Act 2000 – a statutory provision that allows holders of listed securities to bring claims against issuers for misstatements and omissions in their published information. While not itself a class action, it may prove conducive to further securities-related collective

proceedings in the future, especially given the claimants' substantial success with their claim.

Environmental, social and governance ("ESG")-related securities disputes are also an emerging trend. In May 2024, a group of institutional investors filed a claim seeking £100 million from Boohoo Group Plc, for publishing ESG-related disclosures that were allegedly misleading and resulted in financial loss for the company's shareholders. The claim is brought under sections 90 and 90A of the Financial Services and Markets Act 2000, and is the first of its kind as an ESG-focused securities dispute. No trial date has yet been set.

ESG issues

The increased focus on ESG is also likely to influence the future development of collective actions in England, particularly in relation to environmental protection.

In the long-running *Okpabi v. Royal Dutch Shell Plc* case, a large group of individuals from Nigerian communities have continued their pursuit of Shell for alleged loss and damage arising from oil spills caused by Shell's Nigerian subsidiary (the "*Billie and Ogale*" group litigation). A GLO was granted in 2022, and in March 2024, the High Court ordered that the *Bille* claims should be determined first (and separately from the *Ogale* claims) at a preliminary issues trial, in January and February 2025. A factual trial will follow in 2027, to address what the parties summarised as the "3Cs": contamination, consequences and causes.

In *Município de Mariana and Others v. BHP Group plc and another*,²⁷ more than 600,000 individuals, municipalities and businesses are seeking compensation in excess of £36 billion for the collapse of the Fundão dam in Brazil. The claim was commenced in 2018 and although the English court at first instance declined to accept jurisdiction over the claim including on the basis that it would be extremely challenging to manage, the Court of Appeal overturned that decision in 2022 and allowed the claim to continue in England. The Court of Appeal's decision signalled its view that the English courts must, in appropriate cases, find a way to deal with complex claims such as this and expressed doubts over whether proceedings can ever truly be said to be "unmanageable" and whether any such "irredeemable unmanageability" could ever be capable of amounting to an abuse of process. The judges cited the Supreme Court's ruling in *Merricks* as an example of how complex and large cases can be dealt with pragmatically. This decision demonstrates the English courts' continued willingness to grapple with complex environmental claims governed by foreign law where it considers it has jurisdiction – in this case as a result of an English law anchor defendant – to do so.²⁸

In June 2023, the Supreme Court refused BHP's request to appeal the Court of Appeal's decision, holding that the application did not raise an arguable point of law. A first stage liability trial took place in March 2025 and judgment is expected within the year.

Finally, GLOs were granted by the High Court in early 2024 against additional car manufacturers in relation to the 2015 so-called "Dieselgate" emissions affair, with claims that car buyers were misled as to the level of dangerous emissions produced by the vehicles they purchased. The High Court has taken a proactive case management role in the claims, ensuring that the GLOs meet their aim of claims efficiency, including by ordering a multi-million-pound reduction in the legal teams' costs budgets. The first trial date has been set for October 2025. The trial is expected to last around three months and will examine whether a selection of diesel vehicles contained prohibited defeat devices.

Outside of these three actions, claimants have largely continued to struggle successfully to formulate group or collective ESG claims. Notably, in February 2023, ClientEarth (a minority shareholder in Shell Plc) sought permission to bring a derivative class action on behalf of activist shareholders against Shell's directors, for failing to devise a strategy in line with the Paris Agreement around emissions targets. The High Court ruled in July 2023 that ClientEarth failed to meet the initial threshold of establishing a *prima facie* case for granting permission, and so dismissed the application.²⁹ Permission to appeal the decision was refused, putting an end to the first climate-related derivative action against a board of directors in the UK, and the first English case targeting corporate directors personally for a company's energy transition strategy.

In the CAT, as detailed above, six opt-out claims were commenced this year by Professor Carolyn Roberts against the largest UK water companies, alleging under-reporting of pollution to their regulator and consequent over-charging of services to their customers.³⁰ Despite the claims being excluded because of the regulations governing water companies, the CAT was clearly receptive to the use of collective proceedings as a means of bringing environmental claims. This will likely encourage further environmental collective proceedings in the CAT.

Crypto

The effects of the global cryptocurrency crash from 2022 are still being felt, with the sphere ripe for collective actions but few substantial actions being brought to date. As of May 2023, there were 3.7 million investors in cryptocurrency in the UK (most of whom will have sustained losses) and the industry is notoriously under-regulated.³¹ In this context, exchanges may face allegations that they misled investors in a volatile market, for example by marketing cryptocurrencies as a low-risk investment.

Proposed crypto class actions are already underway in the US, and in July 2022, one was filed in before the CAT: *BSV Claims Limited v. Bittylicious Limited and Others*.³² The applicant in that case seeks damages (alleged to be £9.9 billion) on behalf of holders of the cryptocurrency Bitcoin Satoshi Vision ("BSV"), against various cryptocurrency exchanges that allegedly colluded to de-list BSV in 2019. The claim represents the first crypto class action to be brought before the CAT.

Binance (one of the defendant cryptocurrency exchanges) sought to strike-out/obtain reverse summary judgment on the claim, arguing, *inter alia*, that the BSV investors failed to mitigate their losses. Binance submitted that BSV investors would have been aware of the pending delisting of BSV and should have acted accordingly to mitigate their losses by selling their holdings. The Tribunal did not strike out the claim on this basis (albeit a separate claim within it for loss of a chance was struck out on different grounds), finding that further evidence was needed to establish whether all members would have been aware of the delisting. The Tribunal certified the claim, albeit with some reservations as to certain aspects of the claim. BSV Claims Ltd appealed against the limited reverse strike out, which was rejected by the Court of Appeal in May 2025. The claim is now proceeding to trial.

III Germany

Overview

Like in many other EU countries, strengthened consumer protection, legal tech advancements and an uptick in litigation funding have led to a considerable increase in collective redress

actions in Germany. For the German civil procedural system, this has been particularly problematic: German civil procedural law is, at its core, aimed at protecting and enforcing the rights of individuals; and, for a long time, actions brought collectively by a class or association were alien to traditional German civil procedure. This has resulted in hundreds and, in some cases, tens of thousands of individual claims (so-called “mass actions”) overwhelming the German court system. The introduction of collective redress mechanisms can be attributed to a growing need for more efficiency in the face of rising numbers of mass litigation, which many fear could gravely impact the operability of German courts altogether – in addition to concerns over the competitiveness of the German judiciary and its accessibility. Besides collective actions, there has been an effort to digitalise, streamline and modernise the German court system, which has materialised in a number of draft laws and legislative successes.

The rise of class and group actions in Germany

The very first few advances into class and group actions were made just 23 years ago with the introduction of the Act on Injunctive Relief (“UKlaG”) in 2002, followed by the Capital Markets Model Case Act (“KapMuG”) in 2005 and the Model Declaratory Action (*Musterfeststellungsklage* – “MDA”) in 2018. Both the KapMuG and the MDA were introduced in reaction to specific cases of mass litigation – the KapMuG in response to thousands of investor claims against Deutsche Telekom, while the MDA was introduced with the recent Volkswagen emissions case in mind. Still, all three pieces of legislation were introduced rather hesitantly, with narrow scopes and limited legal consequences.

On 24 December 2020, the EU Directive on representative actions for the protection of the collective interests of consumers (“the Directive”) came into force, requiring Member States to introduce collective action measures aimed at protecting the interests of consumers. On 13 October 2023, months after the deadline set out in Article 24 of the Directive had already passed, the Consumer Rights Enforcement Act (*Verbraucherrecht durchsetzungsgesetz* – “VDuG”), a law to implement the Directive, came into force. It not only amended the existing MDA, a collective action for declaratory relief, but also, crucially, added a new action for collective redress (*Abhilfeklage*). The action for collective redress offers consumers the opportunity to sue directly for performance in class action-style proceedings – as opposed to mere declaratory judgments through the already existing MDA proceedings.

The necessary implementation of the Directive through the introduction of a redress action under the VDuG constitutes an extensive and innovative change to the previous *status quo*. Two years after its introduction, it still remains to be seen whether the collective redress action under the VDuG will shape the German civil procedure landscape, and whether the legislative efforts to mitigate the strain of mass proceedings on the German judiciary will be successful.

Collective redress action

German legislature’s approach to redress actions provides a two-level system consisting of the redress proceedings before a court and an implementation proceeding before a qualified administrator. During the redress proceedings, the court first decides whether the threshold requirements for the consumers’ claim are generally met by issuing a “basic” ruling on redress

(*Abhilfegrundurteil*), which is intended to form the basis for settlement negotiations. In cases where no settlement can be reached, the court then issues a “final” ruling on redress (*Abhilfeendurteil*), during which it decides on the amount of the claim and delivers a final judgment. Once a final ruling has been made, the implementation proceeding will be initiated.

During the implementation proceeding, an administrator verifies that each individual consumer in the proceedings meets the requirements set out by the court to be entitled to the payment. The fact that this system provides for an administrator and not a judge to decide on the individual claim is one of the most striking contrasts with traditional German civil procedure principles – even though the administrator is still under judicial supervision.

Representative actions under the VDuG are initiated and led by qualified entities such as consumer associations. Qualified entities are required to be included in a list maintained by the state and cannot receive more than 5% of their financial resources from sponsoring companies. These prerequisites are not as strict as the ones previously applicable to MDA proceedings, and are instead aligned with the requirements set by the Directive for entities that operate across borders. While less strict requirements can open the door to misuse, the harmonisation with the Directive intends to make sure that domestic entities will not be disadvantaged compared to international entities, and thereby counter unwanted *forum shopping*. In addition to the aforementioned prerequisites, qualified entities are required to comprehensively present that at least 50 consumers could be affected by the lawsuit.

While the proceedings are led by qualified entities, consumers (and small companies, i.e., companies with fewer than 10 employees and an annual revenue of less than EUR 2 million) are – under German law – required to actively register for the proceedings. Unlike other countries, Germany has adopted an opt-in approach, meaning that consumers are only included in the redress action if they have registered with the representative action register (*Verbandsklagenregister*). This is aimed at mitigating the financial risks for potential defendants, or at the very least give them a better understanding of their potential exposure in circumstances where the number of consumers claiming can be assessed. The balancing act of predictability and certainty for businesses on the one hand, and accessibility and risk mitigation for consumers on the other, has also played a considerable role in determining the deadline for consumers to register for the proceedings. By extending the deadline up until three weeks after the oral hearing, consumers are given a generous opportunity to assess the prospects and risks of the proceedings before registering – leaving them ample time to join depending on how well the proceedings are going. Defendants, on the other hand, will likely have difficulties assessing the financial risks of the proceedings at hand.

Lastly, the financing of representative actions through third parties is limited. In particular, a representative action is impermissible if financed by a third party that is promised a share of the damages exceeding 10%. Further, there are strict requirements to disclose the origin and the means of the financing. The restriction and regulation of third-party financing is provided for by the Directive itself (Article 4 par. 3 lit. e; rec. 52), in order to prevent conflicts of interests and to ensure that all decisions regarding the proceedings are made in the consumers’ best interests. However, the German legislative approach goes even further in its measures to regulate third-party investing. This is in an effort to prevent the class action industry disrupting the civil procedure system currently in place.

Since its introduction, eight different actions for redress have been registered with the representative action register.³³ Two of the eight actions for redress include claims against energy and heating providers, and the remaining six actions relate to the tech and communication industry.

Model declaratory action

Compared to the newly introduced redress action VDuG, the MDA is a relatively blunt instrument. It only provides for a declaratory judgment in relation to liability, while consumers still need to enforce their individual claims in subsequent individual proceedings. This likely explains why there has not been widespread adoption of the MDA by claimants. Germany has only had 37 MDAs since its introduction in 2018 (while the German Government's forecast for the 2018 legislative process predicted "an estimated 450 model case declaratory actions annually"). These include a small number of MDAs that were filed against various banks, who are accused of charging unlawful fees or incorrect interest payments. Furthermore, MDAs against a dating website, a leisure-event company and multiple energy companies have been filed in the last three years.

Three of the eight collective actions for redress registered since the VDuG's introduction last year were filed in conjunction with MDAs. Singular MDAs, on the other hand, have only been filed once since then. While it is still early to tell how big an impact the introduction of redress actions will have on the overall handling of mass litigation in the upcoming years, it seems that redress actions already lessened the relevance of sole MDAs.

Capital Markets Model Case Act

In late December 2023, the German Ministry of Justice introduced a first draft regarding the preservation and amendment of the KapMuG, which was initially set to expire by the end of August 2024. Considering the implementation of collective acts for redress the previous year, this came as somewhat of a surprise and speaks to the significance that German legislators assign to KapMuG proceedings. Its preservation thus seems to be a testament to its success and efficiency, and it will be interesting to see how KapMuG proceedings will continue to hold up, especially next to the newly introduced collective redress actions.

The KapMuG was initially conceptualised to cover claims for damages due to false, misleading or omitted public capital market information. In an individual proceeding concerning such a claim, both the claimant and the respondent can request that a KapMuG proceeding be initiated. They must then demonstrate that the sought-out decision will have significance for other, similar cases. If more than 10 such requests are submitted within six months, the court that was first concerned is tasked with summarising the relevant legal questions and submitting them to the Higher Regional Court. Then, all pending proceedings where decisions depend on those legal questions are suspended by their respective courts of origin. Persons who had not yet taken legal action but assert similar claims could sign up to the KapMuG proceeding. The Higher Regional Court then made a decision that was binding in all suspended proceedings. The main objective of KapMuG proceedings was thus a uniform clarification of the applicable legal issues for all affected cases and relief for the lower courts affected by the mass claims.

The new KapMuG came into force on 20 July 2024. It removes the law's initial expiration date and aims to streamline, digitalise and speed up proceedings. In addition, it significantly

expands the KapMuG's scope to include crypto assets and rating agencies. The final version of the law drew criticism mostly for its detachment of individual proceedings from the model procedure by no longer requiring suspensions in proceedings affected by the legal questions that are subject to the KapMuG proceeding. Thus, suspensions will only take place in those cases where the respective claimants request such a suspension. This will allow for both individual and KapMuG proceedings to take place at the same time.

Additionally, the new law also allows for possible parallel collective actions for redress. There is concern that this will increase the already overwhelming burden on the judiciary instead of alleviating it. This could also lead to unforeseeable risks for the defendant companies. Further, the initial objective, which was to streamline decisions in similar cases, could be impaired by different courts coming to differing decisions.

Another change concerns the presentation of evidence. Both parties can request the presentation of documents by the other party – similar to the US concept of "discovery", although not as far-reaching. This could be especially problematic as evidence submitted in KapMuG proceedings can be used against companies in criminal or administrative offence proceedings.

Further, the law strengthens the role of the Higher Regional Court by allowing it to define the legal questions to be examined in the KapMuG proceeding – instead of the court first concerned with the claims. According to legislative documents, this is because the Higher Regional Court usually has a better overview over the legal and factual questions that are relevant to all the proceedings affected. The strengthened role of the court and the weaker positions that the parties are thus assigned could potentially defer parties from relying on KapMuG proceedings. The fact that the law has then been enacted without a time limit is particularly noteworthy, given that its repeal had long been considered a foregone conclusion, and the numerous extensions beyond its original term were originally intended only as temporary measures. However, it still remains to be seen whether the KapMuG will continue to play a significant role in the German litigation landscape – especially when measures such as the action for redress are available.

Efforts to digitalise, modernise and make the German Civil Judiciary more efficient in the face of mass litigation

For the past three years, German legislators both at the Ministry of Justice and the German parliament have developed a number of drafts and passed a few of them as laws. They are aimed at the digitisation and modernisation of the German judicial system.

The proposed measures include: the "Act on the Further Digitization of the Judiciary"; the "Act on Digital Enforcement"; the "Act on the Development and Testing of an Online Procedure in Civil Jurisdiction"; the "Act to strengthen Germany as a Center of Justice by introducing Commercial Courts and English as the Court Language in Civil Jurisdiction"; the "Act to Promote the Use of Video Conferencing Technology in Civil Jurisdiction and Specialized Jurisdictions"; and many more. These measures encompass a range of initiatives, from permitting digital applications for enforcement measures to the establishment of commercial courts with specialised judges for commercial matters, such as the newly established Commercial Court in Frankfurt, which commenced its jurisdiction on 1 July 2025 and is competent to adjudicate major commercial disputes where the amount in controversy equals or exceeds EUR 500,000. Also in the area of antitrust litigation, changes are expected that will make it easier for cartel claimants to pursue claims in Germany by assigning them to a special purpose vehicle ("SPV") for collective litigation, with the European Court of Justice ("ECJ")

confirming in January 2025 that EU law prevents Germany from invalidating such assignments where individual claims are impracticable. Many of these measures are designed to work in conjunction with the newly introduced collective action instruments to increase efficiency.

Another effort in mitigating the effects of mass actions has been the introduction of a so-called “leading decision procedure” at the Federal Court of Justice (“BGH”), which allows for a streamlined decision on questions of law on which the outcome of a big number of mass claims depends.

Trends

With the introduction of collective actions for redress, the expansion of the KapMuG, and the removal of its time limit, German lawmakers have made clear that collective actions are designed to be a major factor in handling the ever-rising numbers of mass litigation claims. In addition, there are several additional drafts and laws aimed at making both individual and collective proceedings more efficient, modern and digital. The sum of these efforts forms a more or less cohesive legislative concept aimed at mitigating the risks and drawbacks of mass litigation.

Like before, the majority of claims brought in collective proceedings are consumer-focused, with the newest ones, most of which are collective actions for redress, focused on energy companies and the tech and communications industry. Representative actions related to environmental protection and climate change also continue to be filed by authorised environmental associations. These cases are being pursued under the Environmental Damage Act (*Umweltschadensgesetz*) and the Environmental Judicial Review Act (*Umwelt-Rechtsbehelfgesetz*) and will certainly be on the rise considering the current ESG movement.

Another recent trend in the legal system for collective actions is the growth of litigation funding, which is set to continue. The EU Directive and the VDuG do not prohibit such funding but contain regulations setting minimum requirements, as discussed above.

Finally, it is predictable that more “class actions” will be brought before German courts in the coming years. Given the rise of ESG litigation (“green claims”, “greenwashing”, etc.), Tech Litigation (such as cybersecurity and data protection), and consumer protection in general, practice will show if and how the introduction of the VDuG will change the litigation landscape in Germany.

Note

This chapter has been prepared for the general information of interested persons. It is not, and does not attempt to be, comprehensive in nature. Due to the general nature of its content, it should not be regarded as legal advice. Any views expressed in this publication are strictly those of the authors and should not be attributed in any way to White & Case LLP.

Endnotes

- 1 Case No. 1266/7/7/16 *Walter Hugh Merricks CBE v. Mastercard Incorporated and Others*.
- 2 See generally <https://www.lawgazette.co.uk/news/disputes-week-cat-inundated-by-class-action-surge/5119903.article>; and see reporting of the figure in <https://www.thetimes.com/business-money/companies/article/class-action-claims-for-competition-law-breaches-total-160bn-fk5tqwvtv>

- 3 Case No. 1381/7/7/21 *Justin Le Patourel v. BT Group PLC*.
- 4 Case No. 1339/7/7/20 *Mark McLaren Class Representative Limited v. MOL (Europe Africa) Ltd and Others*.
- 5 Case No. 1403/7/7/21 *Dr. Rachael Kent v. Apple Inc. and Apple Distribution International Ltd*.
- 6 Case No. UKSC 2019/0213 *Lloyd v. Google LLC*.
- 7 [2021] UKSC 50.
- 8 Case No. QB-2022-001362.
- 9 [2023] EWHC 1169 (KB).
- 10 Case No. 1433/7/7/22 *Dr Liza Lovdahl Gormsen v. Meta Platforms, Inc. and Others*.
- 11 Case No. 1602/7/7/23 *Christine Riefa Class Representative Limited v. Apple Inc. and Others*.
- 12 Case Nos 1603/7/7/23; 1635/7/7/24; 1628/7/7/23; 1629/7/7/23; 1630/7/7/23; and 1631/7/7/23.
- 13 Case No. 1381/7/7/21 *Justin Le Patourel v. BT Group PLC*.
- 14 Case No. 1266/7/7/16 *Walter Hugh Merricks CBE v. Mastercard Incorporated and Others*.
- 15 Case No. 1339/7/7/20 *Mark McLaren Class Representative Limited v. MOL (Europe Africa) Ltd and Others*.
- 16 Case No. 1440/7/7/22 *Clare Mary Joan Spottiswoode CBE v. Nexans France S.A.S. and Others*.
- 17 Damages-based agreements are defined in section 58AA(3) of the Courts and Legal Services Act 1990 as “an agreement between a person providing advocacy services, litigation services or claims management services” by which the recipient of those services is to make a payment to the person providing the services (if the recipient obtains a financial benefit from the litigation), where the amount of the payment is “determined by reference to the amount of the financial benefit obtained”.
- 18 *R (on the application of PACCAR Inc and Others) (Appellants) v. Competition Appeal Tribunal and Others (Respondents)* [2023] UKSC 28.
- 19 Case No. 1468/7/7/22 *Mr Justin Gutmann v. Apple Inc., Apple Distribution International Limited, and Apple Retail UK Limited*.
- 20 Case No. 1527/7/7/22 *Alex Neill Class Representative Limited v. Sony Interactive Entertainment Europe Limited; Sony Interactive Entertainment Network Europe Limited; and Sony Interactive Entertainment UK Limited*.
- 21 Case Nos 1572/7/7/22 and 1582/7/7/23 *Ad Tech Collective Action LLP v. Alphabet Inc. and Others*.
- 22 Case No. 1673/7/7/24 *Professor Barry Rodger v. (1) Alphabet Inc; (2) Google LLC; (3) Google Ireland Limited; (4) Google Asia Pacific Pte Limited; (5) Google Commerce Limited; (6) Google Payment Limited; and (7) Google UK Limited*.
- 23 Case No. 1595/7/7/23 *Robert Hammond v. Amazon.com, Inc. and Others* and Case No. 1644/7/7/24 *Professor Andreas Stephan v. Amazon.com Inc. and Others*.
- 24 *Sharp v. Blank* [2019] EWHC 3096 (Ch).
- 25 [2019] EWHC 2858 (Ch).
- 26 [2022] EWHC 1178 (Ch).
- 27 [2022] EWCA Civ 951.
- 28 [2021] UKSC 3. *Okpabi* was a claim by around 42,000 Nigerian citizens for compensation for oil leaks from pipelines and associated infrastructure. In a unanimous reversal of the Court of Appeal, the Supreme Court concluded that it was at least arguable, based on the degree of control and *de facto* management, that the parent company owed a duty of care to the claimant Nigerian citizens in respect of alleged environmental damage and human rights abuses by Shell’s Nigerian subsidiary.
- 29 [2023] EWHC 1897 (Ch).

- 30 Case Nos 1603/7/7/23; 1635/7/7/24; 1628/7/7/23; 1629/7/7/23; 1630/7/7/23; and 1631/7/7/23.
- 31 As of 16 May 2023, <https://triple-a.io/crypto-ownership-data>
- 32 Case No. 1523/7/7/22.
- 33 List of publicly announced actions for redress and MDAs at the representative action register, available at https://www.bundesjustizamt.de/DE/Themen/Verbraucherrechte/VerbandsklageregisterMusterfeststellungsklagenregister/Verbandsklagenregister/Verbandsklagen/Verbandsklagen_node.html



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