

ALERTS

Commercial Litigation Law Alert - The Fifth Circuit Agrees That Defendants May Not 'Pick Off' Class Representatives With Full Settlement Offers

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On Aug. 12, 2015, less than a week after the Seventh Circuit's decision in *Chapman v. First Index, Inc.*, the Fifth Circuit followed its previous rulings and agreed with decisions from the Third, Seventh, Ninth, Tenth and Eleventh Circuits. The court concluded that an unaccepted full settlement offer to a class representative does not moot the named plaintiff's individual claims or the class action.

Unlike *Chapman*, the Fifth Circuit in *Hooks* did not discuss a potential affirmative defense based on the rejected offer. This issue is currently before the Supreme Court in *Gomez v. Campbell-Ewald Company*.

Barnes & Thornburg's newest office in Dallas, Texas, is located in the Fifth Circuit.

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