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And The Defense Wins

DRI members [Doug Smith](#) (Irvine, CA), [Tara Martin](#) (Irvine, CA) and [Fletcher Alford](#) (San Francisco, CA) of **Gordon & Rees LLP** obtained a ruling denying the plaintiff's motion for class certification in a federal class action in the U.S. District Court for the Central District of California. (*Marla Tidenberg v. Bidz.com, Inc., et al.*, cv08 05553 (PSG)). The lawsuit alleged a "massive public fraud" arising from claims that client Bidz.com engaged in unfair business practices by misrepresenting and inflating the value of merchandise and by conducting false/shill bidding on the client's Internet auction site.

The complaint purported to represent a class of persons who purchased merchandise from the auction site. The plaintiff sought to certify a class of 14 million auction participants and force restitution of tens of millions of dollars. Crucial to the successful outcome denying plaintiff's motion for class certification was the court's ruling on the Gordon & Rees team's motion to exclude the opinion of the plaintiff's expert, who had attempted to construct a damages formula applicable to all putative class members.



Doug Smith



Tara Martin



Fletcher Alford