WHITE PAPER

Motions to Dismiss Haven’t Stopped the CEMA Litigation Wave. So What’s the Defense Playbook Now?

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Featured Practices: Litigation, Consumer Protection & Class Actions

Featured Industries: Retail & E-Commerce

Since the Washington Supreme Court's decision in *Brown v. Old Navy*, retailers and consumer brands have faced an unprecedented wave of CEMA subject-line litigation. Each case threatens existential exposure. Many defendants initially pursued a familiar strategy: seek dismissal of these cases at the pleading stage. The problem?

Those efforts have largely failed.

As these bet-the-company cases move into discovery, companies face a critical question:

If motions to dismiss are not eliminating CEMA claims, how can we defeat them?

In a new report, Benesch litigators examine the emerging CEMA landscape and offer a blueprint for defanging the threat of massive CEMA exposure at the class-certification stage. The report provides a forward-looking analysis of the legal, operational, and data-driven considerations that sophisticated retailers should be evaluating now as they prepare for the next phase of these high-stakes cases.

In this report, you'll learn:

- How the litigation landscape is evolving as more cases advance beyond the pleading stage.
- How to navigate the class-certification battleground that may determine the future of many CEMA cases.
- Practical considerations and tactics companies should evaluate now to better position themselves for future disputes.

For retailers, consumer brands, e-commerce companies, and in-house counsel, the question is no longer whether CEMA claims can survive a motion to dismiss. The more important question is what comes next.

Read the full report to discover the strategic considerations shaping the next frontier of CEMA litigation.