MEDIA MENTIONS

Law360 Highlights Benesch's Continued Success Defeating Fake Price Markdown Class Actions

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Law360 Pulse recently spotlighted Benesch's latest appellate victory for retailers, detailing how the firm successfully defeated proposed class action claims challenging alleged "fake price markdown" practices.

In the article, *"How Benesch Again Defeated Fake Price Markdown Claims,"* Law360 examines an early April decision by the Washington Supreme Court that rejected claims alleging consumers were injured by purchasing discounted goods that had not previously sold at the listed "original" price. The ruling follows similar reasoning in a 2024 decision Benesch secured before the New Jersey Supreme Court, marking the second time the firm has prevailed on this theory in plaintiff-friendly jurisdictions.

The case centered on whether allegedly inflated reference prices constitute an actionable injury under Washington's Consumer Protection Act. The court ultimately ruled, 6-3, that the plaintiff failed to allege a cognizable economic injury, concluding that receiving a product at the agreed-upon sale price does not amount to consumer harm under the statute.

Benesch Appellate Practice Chair **Michael Meuti** and Senior Managing Associate **Michael Silverstein**, both members of the appellate team, were quoted in the Law360 article discussing the firm's legal strategy and the challenges of persuading skeptical courts.

"These are two jurisdictions that have earned their reputations for being plaintiff-friendly," Meuti said. "To be able to deliver these results for the client and the industry, we're very pleased and proud of both opinions."

As highlighted in the article, the Benesch team focused its arguments on the statutory requirement of actual injury, emphasizing that liberal construction of consumer protection laws does not permit courts to read new elements into the statute. According to Silverstein, that disciplined focus resonated with the Washington Supreme Court during oral argument.

More: How Benesch Again Defeated Fake Price Markdown Claims - Law360 Pulse