

## PRACTICE

# Retail & E-Commerce

Benesch is one of the only U.S. firms with a comprehensive, full-service practice serving the full spectrum of the retail and e-commerce industry's needs. We represent retail and e-commerce companies of all sizes—Fortune 500 brands, national chains, manufacturers, start-ups and local retailers.

We have a strong track record in consumer-facing class actions and commercial disputes, and we bring that same depth to every part of our clients' businesses.

## In-House Talent

Several members of our team bring in-house experience from prominent retail and e-commerce companies, including:

- Uber
- Groupon
- Hyatt Hotels
- sweetgreen

## Sectors

- Apparel and footwear
- Cannabis and CBD
- Cosmetics and beauty
- Food, restaurants and grocery stores
- Furniture
- Luxury brands
- Media and streaming
- Sporting goods and outdoors
- Start-ups

## Who We Serve

- Luxury brands
- Big-box stores
- Multilevel marketing companies
- E-marketplaces
- Direct-to-consumer start-ups

## Numbers & Recognition

# 15+

Dedicated attorneys

# 100s

of successful engagements with retailers, e-commerce companies and manufacturers

# 100s

of high-stakes class action suits defended over the past decade

# 200+

Retail industry clients who entrust their legal matters to Benesch

Recognized  
by Chambers



Highly Recommended Firm

by Benchmark Litigation



Top U.S. Law Firm

for Retail Companies  
by The Fashion Law 2025



## Representative Matters

- ▶ Achieved precedent-setting victories in the NJ and WA Supreme Courts in class actions challenging reference prices in product markdowns. The team convinced both courts that alleging a false reference price does not satisfy the injury element of the state consumer-protection statutes, requiring that the cases be dismissed on the pleadings. These precedents significantly limited the retail industry's exposure in two plaintiff-friendly states.
- ▶ Secured dismissal of a consumer class action after using metadata on the as-filed complaint to prove that the complaint was finalized within days of the purchase at issue, and weeks before the date that the other side told the court it was prepared.
- ▶ Forced a voluntary dismissal of a VPPA class action on the basis that the plaintiff manufactured the litigation.
- ▶ Obtained dismissal of a TCPA class action for a retailer on the grounds that text messages are not subject to the TCPA's private cause of action provision.
- ▶ Defended dozens of retailers against claims brought under the federal Wiretap Act and California's Invasion of Privacy Act (CIPA) concerning the alleged recording of chat conversations, use of session replay technology and use of the Facebook Pixel.
- ▶ Routinely defend dozens of retailers against claims alleging false advertising and fake discounts, including the defense of more than 1,000 mass arbitration demands.
- ▶ Act as outside counsel for several prominent brand names, routinely reviewing and revising pricing and warranty policies; advising on online and in-store marketing campaigns; and advising on changes to return policies.
- ▶ Defended more than 200 cases alleging that websites were not accessible to site-disabled customers.
- ▶ Convinced a court to dismiss a VPPA class action on the basis that the retailer's use of the Meta Pixel on its website did not convey personally identifiable information regarding website visitors.
- ▶ Defended dozens of consumer class actions alleging false advertising, including greenwashing claims, in addition to claims brought by California's Greenwashing Task Force.
- ▶ Representing multiple retailers and e-commerce companies in filed or threatened lawsuits alleging violations of the Washington Commercial Electronic Mail Act (CEMA) and other state consumer protection laws, including the defense of mass arbitration claims.
- ▶ Representing a national retail real estate operator in the ongoing disposition of malls, shopping centers and outparcels nationwide.
- ▶ Defeated multiple class actions under California Civil Code 1670.8 (the "Yelp Law") seeking over \$2,500 per website visitor. Those victories include convincing two courts that the statute provides no right of action unless the plaintiff alleges some threat or enforcement action against the consumer.
- ▶ Representing officers of DTC oral-care company in mass arbitrations alleging false advertising and defective design.
- ▶ Defending a national home improvement company against investigations by state attorneys general and district attorneys concerning print, TV and online advertising claims, as well as customer complaints related to sales practices and financing issues.
- ▶ Assisting a client in negotiating with the New York Attorney General to resolve an investigation into alleged false advertising arising from alleged inconsistencies between register prices and shelf prices.
- ▶ Represented a national online resale company in a *qui tam* False Claims Act matter alleging postage fraud, successfully persuading the government not to intervene and securing dismissal at the pleading stage.
- ▶ Defended a national moving and storage company against drip pricing false advertising investigations brought by multiple state attorneys general and the FTC.