



FOR IMMEDIATE RELEASE

July 23, 2015

Media Contact: Mark Chenoweth | mchenoweth@wlf.org | 202-588-0302

WLF Argues a Lawsuit Should Be Dismissed Once Defendant Has Met Plaintiff's Demands

(Campbell-Ewald Co. v. Gomez)

“The lower courts overstepped their bounds here when they sought to enforce a federal law, despite the absence of any live controversy between the parties to the lawsuit. Article III of the U.S. Constitution confines federal courts to deciding actual disputes.”—Richard Samp, WLF Chief Counsel

WASHINGTON, DC—Washington Legal Foundation today called on the U.S. Supreme Court to rule that when a defendant offers a plaintiff everything he asked for in a lawsuit, the court must dismiss the case as moot. In a brief filed in *Campbell-Ewald Co. v. Gomez*, WLF argues that no actual Article III “Case” or “Controversy” exists between the parties once the defendant has offered to provide complete relief. A plaintiff has no right to insist on a trial of his claims, WLF contends, when he has already been offered everything he could hope to win at a trial.

The issue arises with increasing frequency because lawyers representing single plaintiffs often hope their client will be named as the representative of a nationwide class of similarly-situated individuals. The certification of a large class can be extremely lucrative for the plaintiff’s lawyer, particularly because a defendant’s only practical option following certification of a large class is quite often to settle the case. Hence, plaintiffs’ lawyers resist the notion that an offer to pay all of a plaintiff’s claims should end the case—which would also require their finding a new client.

WLF’s brief argues that Article III of the Constitution limits the jurisdiction of federal courts to cases where an actual controversy exists between the parties. WLF asserts that a controversy no longer exists once a defendant offers to pay everything requested in a plaintiff’s lawsuit, even if the plaintiff’s attorney refuses to accept the defendant’s check. In this case, the plaintiff contends that Campbell-Ewald Co. violated a federal anti-spam law when it sent a text message to the plaintiff’s cell phone on behalf of the U.S. Navy. The plaintiff has refused to accept Campbell-Ewald’s offer to give him everything he requested in his lawsuit.

Upon filing its brief, WLF issued the following statement by Chief Counsel Richard Samp: “The lower courts overstepped their bounds here when they sought to enforce a federal law, despite the absence of any live controversy between the parties to the lawsuit. Article III of the U.S. Constitution confines federal courts to deciding actual disputes, as does the Constitution’s separation of powers. Once the parties no longer disagreed about the plaintiff’s right to recover all his damages, the lower courts were required to bring this case to an end.”

WLF is a free-market, public-interest law firm and policy center that devotes substantial resources to advocating for limited government and fighting the scourge of excessive litigation.