

FOR IMMEDIATE RELEASE

LITIGATION NOTE: Crowell & Moring Wins Denial of Class Certification

Washington, D.C. – October 27, 2017: Crowell & Moring LLP is pleased to announce that client CSX Transportation, Inc. (CSXT) prevailed in obtaining the denial of class certification, dismissing a group of rail shippers in their renewed bid to proceed as a class in a lawsuit alleging the country's four largest freight railroads conspired to fix fuel surcharges.

Crowell & Moring represents CSXT in a consolidated group of putative class actions filed by purchasers of rail freight transportation services seeking more than \$7.8 billion in class-wide damages. Plaintiffs allege that CSXT and the three other major U.S. freight railroads engaged in a conspiracy to fix fuel surcharge prices in violation of Section 1 of the Sherman Act.

After the district court originally certified a class of direct purchasers of rail freight transportation services in 2012, the railroads petitioned the U.S. Court of Appeals for the D.C. Circuit to immediately review that decision, and prevailed. The D.C. Circuit vacated and remanded the case back to the district court, expressing concerns about the reliability of plaintiff's statistical models supporting certification on the questions of class-wide impact and damages. After remand proceedings, including extensive additional expert discovery and a second class certification hearing in September 2016, the district court denied class certification on October 10, 2017.

The team was led by [Kent Gardiner](#) and included Shari Ross Lahlou and [Luke van Houwelingen](#).

Contact: **An Pham**
Manager, Media PR & Communications
+1 202.508.8740
apham@crowell.com