

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

United States District Court
Southern District of Texas

Emily Elson, *et al.*,

Plaintiffs,

versus

Ashley Black, *et al.*,

Defendants.

§
§
§
§
§
§
§
§

Civil Action H-20-2125

ENTERED

April 02, 2021

Nathan Ochsner, Clerk

Order Striking Class


The claims brought by Emily Elson and the other plaintiffs focus on alleged misrepresentations made by Ashley Black in selling her products. Elson wants class certification for a national class under the Magnuson-Moss Warranty Act and seven subclasses for the states represented by the named plaintiffs under the respective states' laws. Under federal rule 23, the class must meet four requirements: numerosity, commonality, typicality, and adequacy.

HP

Because the basis for the claims are misrepresentations, reliance on them will be a key factor with every potential plaintiff. Reliance is intrinsically an individualized determination – what is sufficient for reliance of one person may not be the same for others. The court is not convinced that commonality is present as each potential plaintiff would have to show that their reliance was justified.

The class and subclasses are struck. (128)

Signed on April 2, 2021, at Houston, Texas.



Lynn N. Hughes
United States District Judge