

## **Bird Marella Obtains Dismissal of Consumer Class Action Against Newegg**

---

Representing online retailer Newegg, Bird Marella prevailed on a demurrer to plaintiff's amended complaint, resulting in a dismissal of the action with prejudice.

Plaintiff's lawsuit sought to certify a class action alleging that Newegg's online pricing system violated California's consumer protection laws for false advertising and unfair competition.

On February 9, 2016, Los Angeles Superior Court Judge John Shepard Wiley, Jr. sustained Newegg's demurrer to plaintiff's amended complaint without leave to amend. The Court agreed with Newegg's argument that the plaintiff lacked standing because he had suffered no economic injury. The Court's ruling followed a prior ruling sustaining Newegg's demurrer but allowing plaintiff an opportunity to amend his prior complaint.

Newegg General Counsel Lee Cheng commented, "Newegg is gratified that Judge Wiley dismissed the lawsuit and applauds the work of Bird Marella's legal team which, once again, provided strategic, practical and efficient legal work in a case of importance to Newegg. We could not be happier with the result and the tenacious efforts of our attorneys."

Bird Marella attorneys [Ekwan Rhow](#) and David Hurwitz led the defense of Newegg.