



# Riker Danzig Secures Motion to Dismiss for BSH in California Federal Court

Riker Danzig secured a significant victory for client BSH Home Appliances when its motion to dismiss the putative class action complaint filed in Joshua Edin et al. v. BSH Home Appliances Corp. was granted by the U.S. District Court for the Central District of California on January 19, 2021. Plaintiffs' complaint sought damages based upon counts sounding in breach of implied warranty, breach of express warranty and breach of contract under Florida and Minnesota law, as well as claims under Minnesota's Consumer Fraud Act, Uniform Deceptive Trade Practices Act and Unlawful Trade Practices Act.

Judge Stephen V. Wilson found that plaintiffs failed to allege an injury sufficient to confer Article III standing, holding that the allegations of future injury were entirely speculative. In addition, Judge Wilson rejected the warranty claims as untimely; the contract claims as duplicative; and the claims under the Minnesota Consumer Fraud Act and Uniform Deceptive Trade Practices Act as lacking, among other things, specificity.

Riker Danzig Co-Chairman Brian E. O'Donnell, who led the successful defense for BSH Home Appliances Corp., said, "We are gratified that Judge Wilson ruled for BSH on all the claims in this case." He was supported by Maura Smith, Maha M. Kabbash and Caroline Brizzolara. Additional support was provided by California counsel, Elaine Fresch, of Selman Brightman LLP.

## Attorneys:

Brian E. O'Donnell · Maha M. Kabbash · Maura C. Smith · Caroline Brizzolara

## Practices:

Litigation · Products Liability, Toxic Tort and Mass Tort