

JUDGE CITES MR. JACKMAN’S ANALYSIS IN CERTIFYING CLASS OF PURCHASERS OF SEARS SERVICE PROTECTION AGREEMENTS

In 2016, Plaintiffs filed a First Amended Class Action Complaint on behalf of a proposed class of purchasers of service protection agreements from Defendants alleging that the agreements were “deceptive and illusory because Sears did not in fact provide the bargained for coverage of the products that the agreements purported to cover.” Counsel for the Plaintiffs retained Christopher Jackman to analyze whether a standard and reliable methodology exists to measure damages suffered by proposed class members as a result of the alleged misconduct without resorting to individualized inquiry under three causes of action: a breach of express contract; unjust enrichment; and a violation of Pennsylvania’s Unfair Trade Practices and Consumer Protection Law. Mr. Jackman filed an Expert Report and testified at deposition regarding these issues.

On June 25, 2018, the Court certified the proposed classes of purchasers of Sears service protection agreements, citing to Mr. Jackman’s analysis and testimony. For instance, in its Memorandum Opinion and Order, the Court noted that “Jackman’s damages model is appropriately tied to Plaintiff’s theory of the case.” Further, in his March 8, 2018, Report and Recommendation denying Defendants’ Daubert motion against Mr. Jackman (which was adopted by the Court), the Magistrate Judge found “that the methodology proposed by Jackman is reliable and relevant to the lawsuit.”

The Court’s Memorandum Opinion and Order can be read [here](#).