



Thomas A. Evans

Partner

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Related Services

Class Action & Multidistrict Litigation ■ Financial Services Litigation ■ Insurance ■ Insurance Litigation & Regulation ■ FDA: Drug & Device ■ Proposition 65 ■ Policyholder Class Action Defense ■ High Exposure Claims, Coverage & Bad-Faith Defense ■ Insurance Regulatory Guidance ■ Food & Beverage

With a track record of class certification denials, summary judgments, and dismissals, Tom helps clients affected by consumer protection laws navigate even the most complicated class action litigation.

Consumer class actions require thoughtful solutions and a seasoned perspective. An essential member of Alston & Bird's Litigation Group, Tom Evans's confident guidance will help clients navigate even the most complicated class action litigation.

Tom focuses his practice on defending and resolving cases alleging violations of false advertising, unfair competition, and consumer fraud laws throughout the country, as well as claims under RICO and similar statutes. He has defended food and dietary supplement companies in cases involving the intersection of federal statutes and regulations with state consumer protection laws. When defending life insurance companies in class and individual actions, Tom combines his understanding of comprehensive state regulatory schemes with his experience defending against claims under consumer protection laws. He has also guided class settlements toward court approval, including defending against objections from private class members or public agencies.

Tom's practice also extends to defending against claims by public enforcement agencies and private citizens under state statutes, including California's Unfair Competition Law, Consumers Legal Remedies Act, False Advertising Law, and Proposition 65.

Representative Experience

- Won a full defense verdict in a three-week jury trial in Orange County Superior Court in favor of a life insurer against plaintiffs claiming that they had been misled into purchasing multimillion-dollar life insurance policies. Argued the case before the California Court of Appeal, which affirmed the defense verdict.
- Argued and won summary judgment in Los Angeles Superior Court on all certified claims in a class action alleging breach of annuity contracts. Defeated a renewed motion to certify additional claims. The decision was affirmed by the California Court of Appeal.
- Argued and won summary judgment in Orange County Superior Court in favor of a life insurer in an action alleging misrepresentation and negligence in connection with a Section 79 retirement plan.
- Defended a putative class action in the Southern District of California alleging that protein supplement labels overstated the protein content of the products. The plaintiffs dismissed after a motion for summary judgment was filed.

- Won dismissal of a case in Alameda County Superior Court claiming that organic infant formula contained ingredients not authorized by the U.S. Department of Agriculture or California organic standards.
- Won dismissal of a putative class action filed in U.S. District Court for the Eastern District of California relating to the form of disclosures in annuity contracts.
- Defended life insurers against class actions in federal courts in several states relating to the sale of equity indexed annuities, asserting claims under RICO, unfair trade practices and fraud.
- Drafted and filed amicus briefs on behalf of the life insurance industry in federal and state courts.
- Defeated a motion for certification of a nationwide class of annuity purchasers asserting claims under RICO.
- Defended product retailers and manufacturers in courts throughout California against claimed violations of Proposition 65.

Publications & Presentations

Presentations

- “Understanding How Consumer Protection Groups, and the Plaintiff’s Bar Are Working in Tandem to Police Claims, Labeling, and Other Marketing Practices Leading to Class Actions,” ACI Advanced Forum on Defending FDA-Regulated Consumer Products Class Actions Conference, New York, NY, October 16–17, 2023.
- “Class-Action and Prop 65 Litigation Status Report for The Food Industry,” 7th Advanced Summit on Food Law – Regulation, Compliance, and Litigation, Chicago, IL, April 19, 2023.

Education

- University of Michigan (J.D., 1993)
- Georgetown University (B.S.F.S., 1990)

Admitted to Practice

- California
- Alaska