

Spring 2026

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A dramatic image featuring a scroll with the words "We the People" written in cursive. The scroll is partially consumed by bright orange and yellow flames, particularly at the left end. A wooden gavel with a brass band lies diagonally across the lower right portion of the scroll. The background is a dark blue field with white stars, reminiscent of the American flag. The entire scene is set against a solid red border.

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proactive approach in
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California law firm takes a proactive approach in defending class actions

By Tom Kirvan

Boasting the nickname as “America’s Finest City,” San Diego is known for its mild climate, beautiful beaches, and deep connection to the U.S. Navy.



Michael J. Pérez
Partner
Pérez Vaughn & Feasby



Jeffrey A. Feasby
Partner
Pérez Vaughn & Feasby

The demands of defending a class action lawsuit are inherently daunting, typically focused on developing a multi-faceted strategy that combines aggressive legal tactics with deep factual investigation, often aimed at derailing class certification to avoid a potentially crippling financial outcome.

So say attorneys Michael Pérez and Jeffrey Feasby, named partners in the San Diego law firm of Pérez Vaughn & Feasby (PVF), which since its founding two decades ago

has specialized in trial work and other business litigation matters.

Pérez and Feasby, who were joined by John Vaughn in 2016, have a track record of success when defending class action suits, representing a host of clients that includes giants in the public utility, banking, financial services, consumer, manufacturing, real estate, and technology sectors among others.

A class action is a lawsuit where one or more people sue on behalf of a larger group who are affected by the same issue. This is referred to as “the class.”

“Clients value communication, trust, and relationships – we lean into those things,” said Pérez, who began his career with a major San Francisco-based law firm before spending nearly seven years in the public service sector, including three years as an Assistant U.S. Attorney in the Southern District of California. “We believe in the



The second largest city in California, San Diego is a hub for international trade.

principles of efficiency, effectiveness, and expertise, which are at the heart of our firm.”

Feasby, a University of Colorado alum who earned his law degree from the University of San Diego, echoed the comments, noting that the firm has been successful in securing dismissals before a class could be certified by demonstrating that the alleged claims were baseless.

“We take pride in being nimble, adjusting our legal strategy as the facts in each case warrant and become apparent,” said Feasby, who has experience litigating consumer class actions and other complex business disputes before various courts and arbitration forums across the country. “One of the challenges in defending class action claims is determining the best time

to attack a plaintiff’s class allegations. In some cases, it can be done at the pleadings stage, whereas in others it has to wait until the discovery stage when there is a fact-based inquiry. Discovery, of course, is a process that incurs defense costs, which need to be weighed in trying to narrow the scope of the case.”

Both Pérez and Feasby note that, during the past decade, class action activity has generally grown annually, attributing part of the uptick to increased access to public and consumer information, as well as advances in technology, particularly in such emerging sectors as cryptocurrencies and artificial intelligence.

When the firm was formed in 2005, class action defense work amounted to just a small percentage of its caseload, according

to Pérez and Feasby. That figure changed in succeeding years as an outgrowth of other litigation cases in which PVF achieved successful results, burnishing its reputation as a “go-to” law firm.

As a side benefit, class action cases also serve as a “good combination of work that is both strategically heady and require some real candle power on day-to-day decisions such as discovery,” Pérez indicated.

“It also has the various parts of litigation that allow young lawyers to get trained and learn how to become better lawyers,” explained Pérez, who gained much of his initial trial experience as a federal prosecutor. “In many respects, it’s a sweet spot for us, and we enjoy doing class action work when we have the

opportunity. It probably makes up a fraction of our practice until one of those cases comes in, and then it becomes a very significant part of what we are doing at any particular time.”

Of notable significance is the high level of success that the firm has achieved in defending class action cases, according to Pérez.

“I know of the cases that Jeff and I have worked on, we’ve won almost all of them by summary judgment,” Pérez shared. “I can recall only one class action case that went to trial, so most of the cases we get involved in are those that we’ve received early and favorable results. The one matter that went to trial for Wells Fargo received a favorable verdict and the recovery of attorneys’ fees.”

Such success can be traced initially to a key first step, according to Feasby.

“It’s essential to secure all relevant documents, making sure that there’s a litigation hold in place to determine who are all the relevant custodians,” Feasby declared. “It’s important to make an early determination of what systems are there in terms of electronically stored information. And then to ask, ‘Is it all preserved?’ and if not, what do we need to do to preserve it and then start to gather and analyze it?”

Feasby noted that the party filing a class action lawsuit – the so-called “lead plaintiff” – must first demonstrate that there are enough parties affected that a class action is appropriate, and secondly that they have sufficiently similar damages that the relevant legal issues and

arguments can be applied to everyone in the class.

“Typically, one of the first steps would be some sort of pleading challenge as to the definition of the proposed class and whether it meets all the legal requirements in terms of numbers and commonality in terms of the damages they have allegedly suffered,” Feasby said. “The pleading requirements can be quite different in state as opposed to federal courts, where they tend to be more technical.

“Once the pleadings are finalized, what we try to do next is to obtain either an agreement from plaintiff’s counsel or an order from the court, limiting discovery in the first instance to those issues relating to class certification,” Feasby added. “If you can limit discovery in the first instance, it saves everyone time and



The vast majority of class action cases are resolved through pre-trial settlement efforts rather than a jury or bench trial.

The skyline of San Diego is best viewed from Coronado Island, across the bay.

money, while also moving the case along to a point of resolution.”

While employing such a strategy would seem to have universal appeal, Pérez said some firms in the Big Law sector prefer a different approach.

“Some big firms like to jump into discovery right away, billing a lot of hours in the initial stages of the case,” Pérez related. “Certainly, in some cases you could justify that and that’s certainly one approach. But I think there is a much more cost-effective and practical way of moving forward, and I believe that clients really appreciate when you don’t treat every class action claim as

if it’s one size fits all, because that is rarely the case.

“There’s usually an approach to those cases that cannot only lead to defeating a class certification, but that also could lead to an early resolution and/or settlement,” said Pérez. “In such a settlement, where instead of paying hundreds of thousands of dollars to your lawyers, you could use that money for settlement purposes that might drive an early resolution that would be much more cost-effective for the client rather than just burying your head and engaging in ‘scorched earth’ litigation.”

Feasby added that the high stakes nature of a single certified class action can

expose a company to massive damages and create huge business disruption, making early resolution or summary disposition pivotal.

In the event that the defense prevails at trial, then the issue of being awarded attorneys’ fees comes into play, according to Pérez and Feasby.

“We’ve found in numerous cases where we have prevailed and then seek attorneys’ fees, the difference between what we’ve billed versus what the other side billed has been striking,” Pérez said.

In such cases, where for instance a Big Law firm may have billed at rates

as high as \$1,500 to \$2,500 per hour, courts have allowed PVF to argue for attorneys’ fees based on various formulas, notwithstanding an actual hourly rate which is significantly lower.

“One of the formulas is the Lodestar Method, which allows you to increase your attorneys’ fees based on factors like experience, practice area, case complexity, and market rates,” Pérez explained. “Even when those formulas are applied, the new and higher rate that we are awarded is still significantly less than what the Big Law firms have been charging.”

When PVF joined Primerus in 2025, it did so with several goals in mind, most

notably to foster connections with corporate counsels across the country, Pérez indicated.

“It’s very important for us to develop relationships with companies that are involved in litigation in California and recognize that the rates are higher here than in other states,” Pérez said, noting that a growing number of those companies are willing to retain a “highly-regarded boutique law firm” that charges reasonable rates.

“A good example is that we represent a company out of Atlanta,” he related. “If they were to hire a large law firm in California, they would be paying two or

three times what they would pay us on an hourly basis. So, even though they might be able to find a cheaper law firm in Tennessee or Arizona or Nevada, they know when they come out to California, they’re going to be paying significant legal fees. Our rates, by comparison, are very favorable, while companies also benefit from our background and experience.

“One of our goals with Primerus is to develop relationships with counsel outside of California that might need our help,” Pérez added. “We have a better opportunity to show them how we can help both because of our experience and qualifications, but also in a more cost-effective way.” 

A Notre Dame degree proved worth the wait

By Tom Kirvan

The Golden Dome is the landmark atop the Main Building at the University of Notre Dame, serving as the school's administrative headquarters and a symbol of its Catholic identity.

For Michael Pérez, it was a dream deferred to attend University of Notre Dame, the renowned Catholic educational institution that prides itself in fostering intellectual growth and moral character in equal measure.

When it came time to weigh his college options in the early 1980s, Pérez discovered that he was a wanted man, as elite schools around the country offered an array of attractive scholarships to pique his interest in attending their respective university.

Among his primary “suitors” was Stanford University, which offered the San Diego native a full-ride scholarship.

“As a Catholic, Notre Dame was always my dream school,” Pérez declared. “I had my heart set on attending Notre Dame.”

Then-football coach Jerry Faust even recruited Pérez, hoping that the opportunity to don the iconic gold helmet would tip the scales in favor of the Fighting Irish.

“I received a partial football scholarship to go to Notre Dame, which if you saw my size and stature would be a major surprise,” Pérez said in poking fun at himself. “I was not your typical football recruit.”

But, as he sat down with his parents to consider his final college destination, Pérez got a sudden jolt of reality.

“My parents said something to the effect of ‘You don’t have a choice, son. Where’s the rest of the money going to come from if you go to Notre Dame?’ That question, quite simply, was why I ended up attending Stanford,” explained Pérez, whose mother (Lydia) was a medical receptionist while his father (Ralph) spent the bulk of his career with a phone company before serving for 15 years as a high school bilingual teacher. “There



Home of the Fighting Irish, Notre Dame Stadium is flanked to the left by the Golden Dome and to the right by the Word of Life mural, otherwise known by football fans as “Touchdown Jesus.”

was no way I could turn down a full-ride scholarship to one of the great universities in the world.”

And yet, three weeks after beginning his studies at Stanford, Pérez received an unexpected call from the admissions office at Notre Dame.

“They asked me why I didn’t go to Notre Dame,” Pérez related. “When I told them it was because I didn’t have the money, they confessed to a huge blunder on their part. They said that as a President’s Scholar, I would have everything paid for and since their semester hadn’t even started yet that fall, I still had time to enroll at Notre Dame. I was shocked. I was never notified.

“But, of course, I was already three weeks into my classes at Stanford by the time of the call and couldn’t pull up stakes there and head cross country to Notre Dame,” he noted. “Still, for years it kept nagging at me that I could have gone to college at Notre Dame, my dream school and played football there even as a scrub team member.”

Some 35 years later, that dream was partially and vicariously fulfilled when Pérez’s son, Tony, graduated from Notre Dame, setting the stage for a career in the medical field, first as an EMT and now as a physician’s assistant working at Mount Sinai Hospital in New York.

“When my son was at Notre Dame, I really connected with the university, particularly people in the Theology Department,” indicated Pérez Vaughn & Feasby in San Diego. “I just kind of got tugged and pulled in the heart to enroll in a master’s program there. It’s normally a two-year program, but it took me five years to complete it because I was basically taking one course at a time, in addition to all of my lawyering duties with the firm and my parenting responsibilities at home. I had a lot going on during that time.”

Despite the demands of a jam-packed schedule, Pérez earned his master’s degree in theology in July 2025, defending

a thesis on sin, redemption, and ecumenism. The project, he explained, was born from a desire to bridge misunderstandings among Christian denominations and to promote unity through shared understanding.

“It took me awhile to earn the degree, but I finally accomplished it and I’ve become really connected to the university as a result,” Pérez said, noting that he bonded with a number of his fellow students, including a Harvard professor and an Episcopal priest from Texas. “There were people from all over enrolled in the program, but the vast majority were 25-year-old college kids who were on-campus students. It also was

interesting in the sense that I was older than all of my professors. All in all, it was a great experience, and I got to know the professors very well, becoming very good friends with some of them.”

As a bonus, Pérez “had the pleasure of beginning a friendship with Amy Coney Barrett,” the U.S. Supreme Court justice who is an alumna of the University of Notre Dame Law School where she graduated first in her class.

“Her good friend is one of those friends of mine who’s the chair of the Theology Department at Notre Dame,” said Pérez, marveling at the fact that “it’s interesting how everything in life kind of

comes around” and how he has enjoyed becoming friends with Justice Barrett’s husband, Jesse.

While he now admits to taking immense pride in obtaining a Notre Dame degree, Pérez said his college allegiance remains clear, particularly since he wrestled at – “and bled for” – Stanford.

“Whenever Stanford plays Notre Dame, I’m always going to be rooting for Stanford,” the 1987 Cardinal alum said with a smile. 

