

Mark Oberstaedt Featured in the National Law Journal Article “Appellate Division Ruling on ‘Fake Sales’ Likely to Spawn Class Action Claims Against Retailers”

Press Releases

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Mark Oberstaedt, Assistant Chair of Archer’s **Business Litigation** group, is featured in the *National Law Journal* article, “Appellate Division Ruling on ‘Fake Sales’ Likely to Spawn Class Action Claims Against Retailers.” The article, written by Colleen Murphy, comes after the New Jersey Appellate Division’s February 9 opinion in *Robey v. SPARC Group*, which held that a trial judge erred in dismissing a claim of false advertising brought by consumers against SPARC Group over clothing prices.

In the article, Mark acknowledges “...the decision certainly opened a potential avenue of liability over a practice that is common in retail. However, Oberstaedt cautioned that the Appellate Division’s ruling on a motion to dismiss is not the same as if there had been a trial.” He goes on to say, “Sometimes, attorneys get a little ahead of themselves in terms of the facts... But that [being] said, this case certainly represents an important decision because the court is saying, ‘If these facts are true—if, in fact, these plaintiffs are able to prove this—that it is going to create a potential avenue of liability in a practice that is not uncommon in retail.’ Oberstaedt said the *Robey* ruling ‘could have significant ramifications on a few things.’”

To read the article, [click here](#).

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