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A Second Front Opens in Tariffs Litigation: Consumer Refund Class Actions

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In our February 23, 2026 [alert](#), we wrote about the Supreme Court's *Learning Resources* decision declaring the President's IEEPA tariffs unconstitutional, leaving it for future litigation to decide how refunds of the tariffs would be made. Now a second front has opened in that litigation, with several putative class actions targeting companies that allegedly charged prices inflated by the tariffs.

Several class actions have been filed against FedEx and UPS, claiming they charged IEEPA tariff surcharges which should be refunded to customers now that the tariffs were ruled unconstitutional. *See, e.g., Reiser v. Fed. Express Corp.*, No. 1:26-cv-21328 (S.D. Fla. Feb. 27, 2026); *Anastopoulo v. FedEx Corp.*, No. 2:26-cv-02181 (W.D. Tenn. Feb. 20, 2026); *Anastopoulo v. United Parcel Serv. Inc.*, No. 1:26-cv-01005 (N.D. Ga. Feb. 20, 2026). At least three class actions have been filed against companies that allegedly "passed on" the costs of IEEPA tariffs by increasing prices, demanding return of the "tariff-related" amounts supposedly paid by consumers. *See Stockov v. Costco*, No. 1:26-cv-02734 (N.D. Ill. March 11, 2026); *Ward v. EssilorLuxottica S.A.*, No. 1:26-cv-01133 (E.D.N.Y. Feb. 26, 2026); *Neuman v. Lululemon USA Inc.*, No. 2:26-cv-11029 (E.D. Mich. Mar. 27, 2026).

Companies that charged customers for IEEPA tariffs or increased prices to account for the tariffs should consider evaluating their exposure and potential steps to mitigate their litigation risk. We will continue to closely monitor these lawsuits and developments in this rapidly evolving area. If you have questions or would like to discuss IEEPA tariff litigation, please contact one of the authors of this alert.

Client **Alert**

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