

## MULTI-PARTY LITIGATION

**Class Action:** Named representatives will be permitted to sue on behalf of a class if:

**Requirements:** Plaintiff, in the complaint, must propose class-action treatment.

- ALL 4 C A N T**
- (1) Commonality: there must be questions of law or fact common to the class
  - (2) Adequacy: representative parties will fairly and adequately protect the interests of the class
  - (3) Numerosity: class must be “so numerous that joinder of all members is impracticable
  - (4) Typicality: the claims or defenses of the representatives must be “typical” of the class

**Types** → linkage between class members

- 1 T Y P E**
- (1) Separate actions create risk of inconsistent results or substantially impair interests of absent members of the class
  - (2) D’s conduct was based on the characteristics of the P class making injunctive or declaratory relief appropriate (vs \$ damages)
  - (3) Questions of law or fact common to class members predominate over questions affecting individual members & class action is superior to other methods of adjudication.

**Procedures** (management problems for the courts)

- 1) **Certify**: at an early, practicable time court must:
  - determine whether the above requirements are met and then
  - enter an order either granting or denying certification as a class action, considering:
    - interest of individual control
    - extent of litigation elsewhere on same subject
    - desirability of having whole package in court
    - difficulties in managing the class
- 2) **Define** the class as well as claims, issues, or defenses and may:
  - Limited Class Treatment to certain issues or divide the proposed class into independently treated subclasses.
- 3) **Appoint Class Counsel**: must fairly and adequately represent the interests of the class.

### Jurisdiction and Venue limitations

Only names parties are considered regarding  
(not all class members)

- Diversity of citizenship (CAFA=Aggregate >\$5M)
- **Service of process** (but all π must have notice&
- Venue opt in/out rights if \$ damages)

	Citizenship	AIC
Div Jdx	ALL named P (v D)	Any Named P > \$75
CAFA	Any P	Aggregate >\$5

### CAFA re: interstate class actions

Addressed π lawyers’ manipulation of state courts. Federal Crts now have original jdx when:

- minimal diversity between any π member of the class and any Δ **and**
- π class contains at least 100 members and their claims aggregated together exceed \$5M.

**Removal**: Any Δ can remove such a class action to the local federal district court.