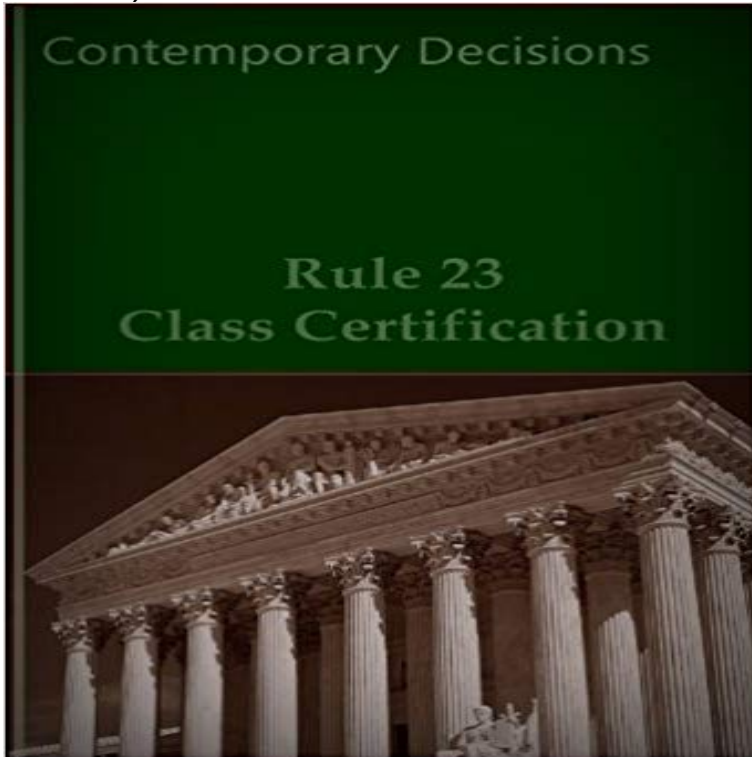


Rule 23 and Class Certification - Contemporary Decisions (Litigator Series)



This casebook contains a selection of 190 Federal Court of Appeals decisions that interpret and apply the requirements for class certification under Rule 23. The selection of decisions spans from 2007 to the date of publication. For each federal circuit, the cases are listed in the order of frequency of citation. Before certifying a class, the trial court must conduct a rigorous analysis to determine whether the party seeking certification has met the prerequisites of Rule 23. *Mazza v. American Honda Motor Co., Inc.*, 666 F.3d 581 (9th Cir. 2012) The party seeking class certification has the burden of affirmatively demonstrating that the class meets the requirements of Federal Rule of Civil Procedure 23. *Wal-Mart*, 131 S.Ct. at 2551. Rule 23(a) requires that plaintiffs demonstrate numerosity, commonality, typicality and adequacy of representation in order to maintain a class action. *Ibid.* The Supreme Court has recently emphasized that commonality requires that the class members claims depend upon a common contention such that determination of its truth or falsity will resolve an issue that is central to the validity of each [claim] in one stroke. *Id.* The plaintiff must demonstrate the capacity of classwide proceedings to generate common answers to common questions of law or fact that are apt to drive the resolution of the litigation.[Internal citations omitted.] *Ibid.* Under Rule 23(b)(3), a plaintiff must demonstrate the superiority of maintaining a class action and show that the questions of law or fact common to class members predominate over any questions affecting only individual members. Fed. R. Civ. Pro. 23(b)(3). *Ibid.*

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