

The CAFA Year in (Appellate) Review

January 01, 2012

Excerpt: "Eight circuit courts of appeals rendered 19 notable decisions addressing various issues under the Class Action Fairness Act (CAFA) in 2011, with the Seventh Circuit leading the way with five such decisions. Some show that forum shopping for class actions is alive and well. Others favor CAFA removal unless the plaintiff can show that it is "impossible" for the claim to exceed the jurisdictional amount-in-controversy threshold, while still others favored remands because removal statutes should be "strictly construed." One decision relies upon Mark Twain for a grammar principle. There is only one dissenting opinion, but it is a very good one, citing the oft-used "duck test." "

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