

Consumer Cases Brought under Rule 23(b)(3): Strategies for Defeating Class Certification

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Thomas A. Dye and Dean A. Morande, “Consumer Cases Brought under Rule 23(b)(3): Strategies for Defeating Class Certification,” *Class Actions Today* (Fall 2008).

Article Summary

A consumer lawsuit founded on even seemingly innocuous individual allegations, once certified as a class action, raises the specter of protracted, bet-the-company litigation. Unless early settlement is deemed to be the wiser course, defense counsel should employ their entire arsenal to derail class certification early on. This article addresses important and sometimes overlooked tools that counsel can use to challenge whether a potential consumer class action truly satisfies the requirements for certification under Federal Rule of Civil Procedure 23.

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