



## NJCJI to Host Policy Teleforum on the Changing Landscape of Consumer Class Actions

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**TRENTON, N.J.** – On Wednesday, June 18 from noon to 12:30 PM, the New Jersey Civil Justice Institute is hosting a policy teleforum on a recent ruling from the Third Circuit Court of Appeals that has the potential to curtail consumer class action litigation of dubious value.

The 3rd Circuit's recent decision not to reconsider *en banc* its ruling in *Carrera v. Bayer* has further clarified and significantly strengthened the standard of "ascertainability" – essentially, the feasibility and reliability of identifying the potential class members – necessary for a class action to be certified.

"It is good to see the federal courts taking advantage of interlocutory appeals of class certifications, and continuing to clarify the standards for class certification. And it is especially encouraging to see the court taking seriously the due process implications of the ascertainability inquiry, even for low-dollar-value claims. Class actions are a procedural device for the efficient aggregation of claims, and should not be used to simply extract damages from defendants," said NJCJI Chief Counsel Alida Kass. "The *Carrera* decision means that defendants will finally be able to challenge sales-based classes early in the litigation since the court now recognizes that the ascertainability inquiry involves significant due process considerations, even for low-dollar-value claims."

NJCJI is hosting a teleforum on the decision with Jessica Miller of Skadden Arps, who co-authored an *amicus* brief on behalf of the Product Liability Advisory Council that the 3rd Circuit found persuasive.

If you are interested in participating in the call, please email [ekelchen@civiljusticenj.org](mailto:ekelchen@civiljusticenj.org) for the call-in information.

The New Jersey Civil Justice Institute is a bipartisan legislative advocacy organization focused on making New Jersey a more attractive place to do business. NJCJI and its members support a number of common sense legal reforms that will ensure the state's legal system resolves disputes expeditiously and impartially, based solely upon application of the law to the facts of each case. Such a system fosters public trust and motivates professionals, sole proprietors, and businesses to provide safe and reliable products and services while ensuring that truly injured people are fully compensated for their losses. [Click here to learn more about NJCJI's efforts to bring interlocutory appeals of class certifications to New Jersey courts.](#)

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