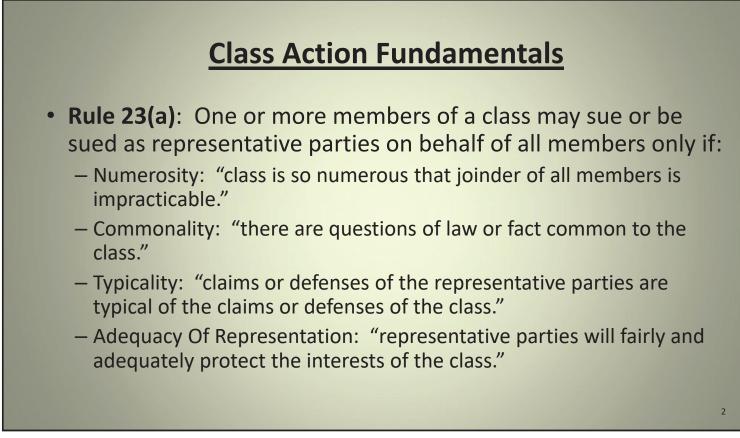


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## Class Action Fundamentals (cont'd) Rule 23(b): Types Of Rule 23 Class Actions

### Rule 23(b)

- A class action may be maintained if Rule 23(a) is satisfied and if:
  - (b)(1): Risk of inconsistent/dispositive adjudications—*limited fund cases*;
  - (b)(2): Injunctive or declaratory relief—*injunction cases*;
  - (b)(3): Questions of law or fact predominate damages cases.

## The Certification Order <u>Rule 23(c)(1)</u>

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#### Rule 23(c)(1). Certification Order

- (A) *Time to Issue*. At an early practicable time after a person sues or is sued as a class representative, the court must determine by order whether to certify the action as a class action.
- (B) *Defining the Class; Appointing Class Counsel*. An order that certifies a class action must define the class and the class claims, issues, or defenses, and must appoint class counsel under Rule 23(g).
- (C) Altering or Amending the Order. An order that grants or denies class certification may be altered or amended before final judgment.

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# Title search: Class Action Employment Litigation: New Rules, New Obstacles, New Strategies

Also available as part of the eCourse <u>Answer Bar: Going to Trial on an Employment Law Case</u>

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