

Class Action and Multidistrict Litigation Section June 2015

2015 Winter Meeting:

The Class Action and Multidistrict Litigation Section teamed up with the Toxic Tort and Environmental Law and the Products Liability Sections to present on “Concussion Litigation: The Evolution of Individual Claims, Mass Torts and Class Actions”. The panel consisted of Beth Bauer, Joseph Ziemianski, and Tom Borncamp. The meeting was very informative and well attended. The paper is a “must read” for members working in this area and has been selected for publication. It is entitled “Ultimate Game-Changer? Concussion-Related Injuries and Litigation”. Please let me know if you have any problems obtaining this paper.

2015 Annual Meeting in Banff:

Section Meeting:

The next section meeting promises to be interesting – and different! This meeting will be presented in “Lightning Round” fashion, and is entitled “The Class Action ‘Lightning Round’ – Recent Developments in Class Action Law”. The following members comprise the panel:

Wystan Ackerman on Recent Developments in Class Action Law: Property Insurance

P. Ryan Beckett on Recent Developments in Class Action Law: Scotus Tackles the “Mass Action” Provision Under CAFA But Ducks Interpreting the “General Public” Exception in *Miss. ex rel. Hood v. AU Optronics Corp.*

Gray Culbreath on Contested Fee Petitions: Money for Nothing and Your Costs for Free

Frank Gassler on “Issue” Classes

Richard Gottlieb on Class Action Settlement Considerations: Ten Tips for a Successful Settlement

Scott Maidment on Recovering Certification Costs: There’s a New Sheriff in Town

Thomas Segalla on Class Actions – Insurance Related Claims

Michael Shalhoub has graciously agreed to moderate the event.

Also, Scott Maidment will give the Section a brief update on the status of the Canadian Class Action Project – Ontario Law Commission Review of Ontario Class Proceedings Act.

General Reminder – Breakfast!:

Breakfast will be handled a little differently at Banff. Voucher breakfasts will be held Wednesday through Friday (as usual). Here is a change - A buffet line will be set near the section meetings so that members can eat breakfast and still get to the section meetings. Members are also encouraged to bring their breakfasts into the section meetings where tables will be set up (instead of the old fashioned lecture seating) in order to accommodate those that are eating.

A second breakfast area will be set up in one section of the main ballroom for everyone else. There will be signs to direct people to the right locations.

2016 Winter Meeting:

SPEAKERS NEEDED!

The Class Action and Multidistrict Litigation Section will be teaming up with the Trial Tactics, Practice and Procedures Section to conduct a presentation on the important changes to the federal rules and what they may lead to in terms of discovery orders impacting trial and also dealing with preservation and spoliation issues.

We are also looking for a speaker with some “mining metadata” experience for a discussion related to filings in the CM/ECF system and what types of metadata can be mined and used from the pdf metadata that the courts preserve.

Please contact me soon if you are interested in presenting on these timely topics.

Quote:

“In sum, as specified in § 1446(a), a defendant’s notice of removal need include only a plausible allegation that the amount in controversy exceeds the jurisdictional threshold. Evidence establishing the amount is required by § 1446(c)(2)(B) only when the plaintiff contests, or the court questions, the defendant’s allegation.” Dart Cherokee Basin Operating Co., LLC v. Owens (U.S. Sup. Ct., Dec. 15, 2014) (CAFA jurisdiction case in which FDCC submitted an amicus brief).

Hot Cases:

Special thanks to Beth Bauer and Craig Winterman for contributing to the “Hot Cases” during the week of May 18.

Section Corporate Member Advisor:

As a reminder, the Section is still in need of a corporate member advisor. If you are interested, please contact Scott Maidment or Chris DePhillips.

FDCC Quarterly:

As you know, the FDCC Quarterly is coming to a close. The Board has decided to replace the Quarterly with a new publication. While the articles will be shorter than those in the Quarterly, the articles are to be topical and newsworthy on substantive legal issues, including litigation tips. The articles can provide practical advice that is useful to our members in their day-to-day practice.

Each Section will need to submit one article per year. The current schedule for the Class Action and Multidistrict Litigation Section is February 1, 2016.

Please let me know if you are interested in submitting an article for publication.

See you in Banff!

Terence M. Ridley
Section Chair