

RULE 23.1 | CLASS ACTIONS

In any case sought to be maintained as a class action:

(a) The pleading shall bear next to its caption the legend "Class Action."

(b) The pleading shall contain under a separate heading, styled "Class Action Allegations:"

(1) A reference to the portion or portions of Federal Rule of Civil Procedure 23 under which it is claimed that the suit is properly maintainable as a class action.

(2) Appropriate allegations thought to justify such claim, including, but not necessarily limited to:

(A) the size (or approximate size) and definition of the alleged class

(B) the basis upon which the plaintiff (or plaintiffs) claims

(i) to be an adequate representative of the class, or

(ii) if the class is composed of defendants, that those named as parties are adequate representatives of the class

(C) the alleged questions of law and fact claimed to be common to the class, and

(D) in actions claimed to be maintainable as class actions under Federal Rule of Civil Procedure 23(b)(3), allegations thought to support the findings required by that subdivision.

(c) In ruling on any motion by a putative class action plaintiff for a determination under Federal Rule of Civil Procedure 23(c)(1) as to whether an action is to be maintained as a class action, the Court may allow the action to be so maintained, may disallow and strike the class action allegations, or may order postponement of the determination pending discovery or such other preliminary procedures as appear to be appropriate and necessary in the circumstances. Whenever possible, where it is held that the determination should be postponed, a date will be fixed by the Court for renewal of the motion.



Effective December 1, 1994. Amended effective April 15, 1996; April 15, 2001; April 15, 2004; April 15, 2007; April 15, 2010; December 1, 2011; December 1, 2015.

Authority

(1993) Former Local Rule 19. Renumbered per Model Rules. In accordance with Model Rule 23.1.

