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House Passes Fairness in Class Action Litigation Act of 2017

In a February 27, 2017 post, we reported that the House Judiciary Committee approved the Fairness in Class Action Litigation Act of 2017 ("FCALA"), a bill described by its sponsor, Rep. Robert Goodlatte (R. Va.), as intended "to protect innocent individuals and small businesses who have become targets of frivolous suits by attorneys who have found loopholes in our civil litigation system." Among other things, the FCALA would (a) prohibit class certification where class members cannot be objectively identified or did not suffer the same type and scope of injury; (b) revise the amount and timing of payments of fees to class counsel; (c) provide for interlocutory appellate review of all class certification decisions; and (d) impose a stay of discovery pending resolution of motions to dismiss, transfer, or strike class allegations. On March 9, 2017, the House of Representatives passed FCALA, without amendment, by a vote of 220-201. FCALA now moves on to the Senate where, in 2016, a similar bill sponsored by Rep. Goodlatte failed to make it out of committee for a vote. We will continue to track FCALA and provide updates.