

DEFENSE ATTORNEYS TAKE OFFENSE IN CLASS CERTIFICATION BATTLES

Brian Kabateck was quoted in an October 11 issue of Law360 about defendants moving to defeat class certification before plaintiffs bring a motion for class status to the court.

Kabateck said that he “came to the conclusion that lawyers representing defendants had gone to a seminar and concocted this concept because it all came out at the same time.” That started happening, he said, 18 months to two years ago.

Attorneys quoted in the article say that part of the reasons for the increase is the jump in the number of class actions overall, particularly before federal judges who may be open to more novel ways of moving litigation along.

Kabateck noted that he is not troubled by the moves by defense counsel, since plaintiffs have a great interest in getting their cases resolved quickly.

“It is important to tee the issue of class certification up very early,” says Kabateck.