

**WHAT NOW? COMMONALITY AFTER DUKES**

Brian Kabateck, the founding partner of Kabateck Brown Kellner LLP in Los Angeles, and Jacob Seropian, a student at Loyola Law School, wrote an article for the WestLaw Journal - Toxic Torts that examined the limits imposed by the U.S. Supreme Court's recent decision in favor of WalMart in a massive class action that alleged gender discrimination in the workplace. The decision came down on June 20, 2011.

In the Dukes decision, the court made fact finding a much larger part of the class-certification process, which will result in increased costs for class actions and preventing some plaintiffs from seeking class action relief. Yet, there are solutions to overcome the constraints imposed by Dukes, according to Kabateck and Seropian. For instance, one observer predicted that there will be more class actions at the local and regional levels to help plaintiffs prove commonality.