

Class Action/ Mass Action

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Class Action is defined under federal law. In a class action, a group of plaintiffs with common legal and factual claims brings a case on behalf of all similarly situated plaintiffs against one or more defendants. Those plaintiffs must be representative of the class of people with the same complaint and same injury. The settlement then applies to everyone and not just those who are plaintiffs.

In general, federal courts tend to favor defendants, state courts tend to favor plaintiffs.

Class Action Fairness Act of 2005 makes it easier to get a case into Federal courts.

A Class Action suit takes a lot of work and a significant investment of time and effort. Lawyers take them on in expectation of getting a significant percentage of a large damage settlement or award if they win the case.

Mass Action is a single lawsuit with a many plaintiffs with the same or similar damages each only representing themselves against one or more defendants. The mass action does not settle the claims of those individuals with similar claims who are not part of the lawsuit.