WINSTON & STRAWN LLP

## Class Action

A **class action** is a procedural device that allows one or more persons, usually plaintiffs (though federal and state procedural rules also authorize defendant classes) to file suit on behalf of a group of similarly situated persons. Federal law defines a class action as "any civil action filed under Rule 23 of the Federal Rules of Civil Procedure or similar State statute or rule of judicial procedure authorizing an action to be brought by 1 or more representative persons as a class action." 28 U.S.C. § 1332(d)(1)(B), (d)(8).

Class actions in federal court are governed by Federal Rule of Civil Procedure 23, which provides rules for the way in which a proposed class action may be brought and when a class action is properly "certified." Certification of a class action is a decision by a court that the case satisfies the procedural requirements of Rule 23 and can proceed as a class action. Certification is not a decision on the merits of the claims, and class actions must proceed through discovery, dispositive motions, and ultimately trial or settlement like any other civil case. Most states have rules similar to federal Rule 23 that govern class actions filed in state court.

To learn more about class actions, visit Winston & Strawn's Class Action Insider blog.

## Related Capabilities

Class Actions & Group Litigation