

Jeffrey Kessler Comments on the Supreme Court's Ruling in Comcast Class Action Suit

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Winston & Strawn partner [Jeffrey Kessler](#) was quoted in the *Law360* article titled, "Lawyers Weigh In On Supreme Court's Comcast Ruling," published March 27, 2013.

On March 27, 2013, the U.S. Supreme Court ruled in favor of Comcast Corp. in an antitrust class action by cable TV subscribers, heightening the class actions standard by finding that individualized proof of damages can block certification.

"This is a very important ruling for the world of antitrust class actions," Mr. Kessler said, noting that it provides clear direction that the plaintiff's burden to satisfy the "predominance" requirements of Rule 23(b)(3) require the same "rigorous analysis" as other Rule 23 class certification requirements. In addition, the district courts are required to carefully scrutinize expert testimony to determine if it reliably provides a sound basis upon which the court can determine if plaintiffs can prove classwide injury and damages.

"In many class actions, particularly involving indirect purchasers, this is a requirement which may not easily be satisfied," Mr. Kessler said.

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