

Class Action Issues: Certification, Settlement and Arbitration

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The U.S. Court of Appeals for the Seventh Circuit decided that patients and payors challenging a hospital merger should not have been required to show uniform price increases to obtain certification to pursue their claims as a class. The U.S. Court of Appeals for the Second Circuit reaffirmed its ruling that a class arbitration waiver clause was not enforceable because it would effectively preclude the plaintiffs' ability to vindicate their rights. In a third appellate decision addressing class issues, the full bench of the U.S. Court of Appeals for the Third Circuit affirmed class certification for settlement of a diamond price-fixing case, notwithstanding differences in state laws applicable to different groups of plaintiffs.^a