Comcast Corp. v. Behrend: The Supreme Court Holds That Rule 23(b)(3) Class Certification Requires Consistent Proof of Predominance with Respect to Liability and Damages

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In a 5-to-4 decision, the Supreme Court held in *Comcast Corp.* v. *Behrend* that class certification under Rule 23(b)(3) of the Federal Rules of Civil Procedure ("Rule 23(b)(3)") requires courts to engage in a "rigorous analysis" to determine that plaintiffs have sufficiently demonstrated that both liability and damages are capable of proof on a classwide basis and that although damages calculations offered at this stage need not be exact, they must be "consistent" with the theory of liability offered by plaintiffs.

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