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## First Circuit Confirms American Pipe Tolling Does Not Apply to Successive Class Claims

Date: 02/15/19

Last year, the Supreme Court of the United States, in *China Agritech, Inc. v. Resh*, resolved the question of whether, after the dismissal of a putative class action, an absent class member could rely on the tolling doctrine established in *American Pipe & Construction Co. v. Utah* to file a successive putative class action claim after the statute of limitations had lapsed. The Court held that plaintiffs could not do so because *American Pipe* tolling applies only to a subsequently-filed individual claim, *not* a class action claim. Uncertainty remained, however, as to whether the bar on successive class action claims was limited to situations where the previous class action was dismissed at the class certification stage, as was the case in *China Agritech*. On January 30, 2019, in *In re Celexa and Lexapro Marketing and Sales Practices Litigation*, the United States Court of Appeals for the First Circuit, the first federal appellate court to address this question, confirmed that *China Agritech*'s bar on successive class actions is not so limited and that it imposes a categorical bar on successive class actions.

Attached please find the memorandum discussing the ruling.

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