

Existing law requires that five prerequisites be satisfied to maintain an action as a class action. Requires numerosity of the class, commonality of law or facts, typicality of the claims or defenses, adequate protection of the interests of the class, and ascertainability of the class.

New law retains existing law except it adds that the prerequisite regarding ascertainability shall not be satisfied if the court has to inquire into each member's cause of action to determine whether they are members of the class.

Existing law provides procedures for certifying an action as a class action.

New law retains existing law and adds that the proponent of the class has the burden of proof to establish that all prerequisites have been satisfied to maintain a class action.

Existing law provides the court with discretion to make certain procedural orders pertaining to the class.

New law prohibits the court from ordering a trial on an issue that would require proof that is individual to a member of the class when the outcome of the trial would have an effect on the entire class.

Effective August 1, 2013.

(Amends C.C.P. Arts. 591(A)(5) and 592(A)(3)(b)-(d) and (E)(5); Adds C.C.P. Art. 592(A)(3)(e))