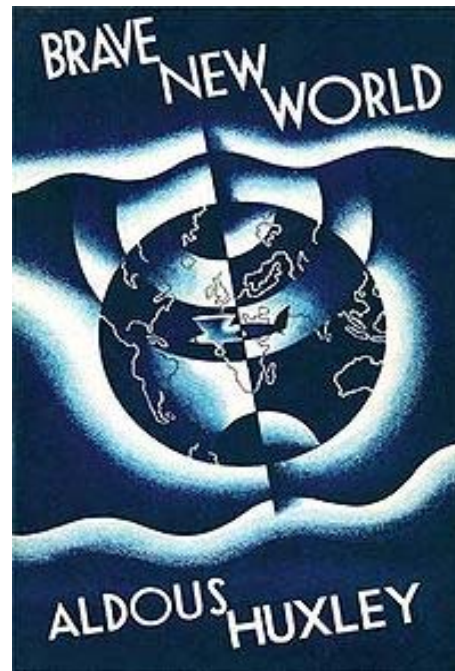


The Brave New World of Class Certification in Antitrust Cases

Dallas Bar Association
Antitrust & Trade Regulation Section
March 24, 2011

Brave New World



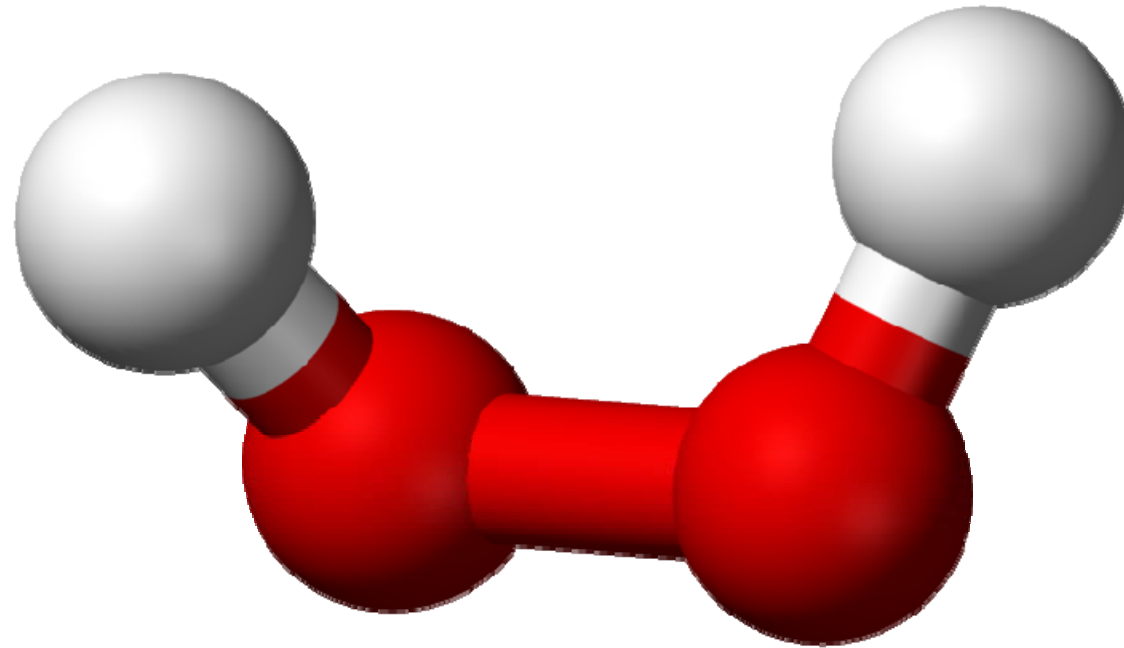
In the old days (three years ago)



DECLARATION OF JOHN C. BEYER, PH.D.,
REGARDING CLASS CERTIFICATION

DECLARATION OF JOHN C. BEYER, PH.D.,
IN RESPONSE TO EXPERT REPORT OF DR. STANLEY M. BESEN
REGARDING CLASS CERTIFICATION

Along comes *Hydrogen Peroxide*



In re Hydrogen Peroxide Antitrust Litig., 552 F.3d 305 (3d Cir. 2008).

From three to 32



What happened?

(c) Certification Order; Notice to Class Members; Judgment; Issues Classes; Subclasses.

(1) Certification Order.

(A) *Time to Issue.* At an early practicable time after a person sues or is sued as a class representative, the court must determine by order whether to certify the action as a class action.

Rule 23(c)(1)(A).

What happened?

(f) Appeals.

A court of appeals may permit an appeal from an order granting or denying class-action certification under this rule if a petition for permission to appeal is filed with the circuit clerk within 14 days after the order is entered. An appeal does not stay proceedings in the district court unless the district judge or the court of appeals so orders.

Rule 23(f).

What happened?



What happened?

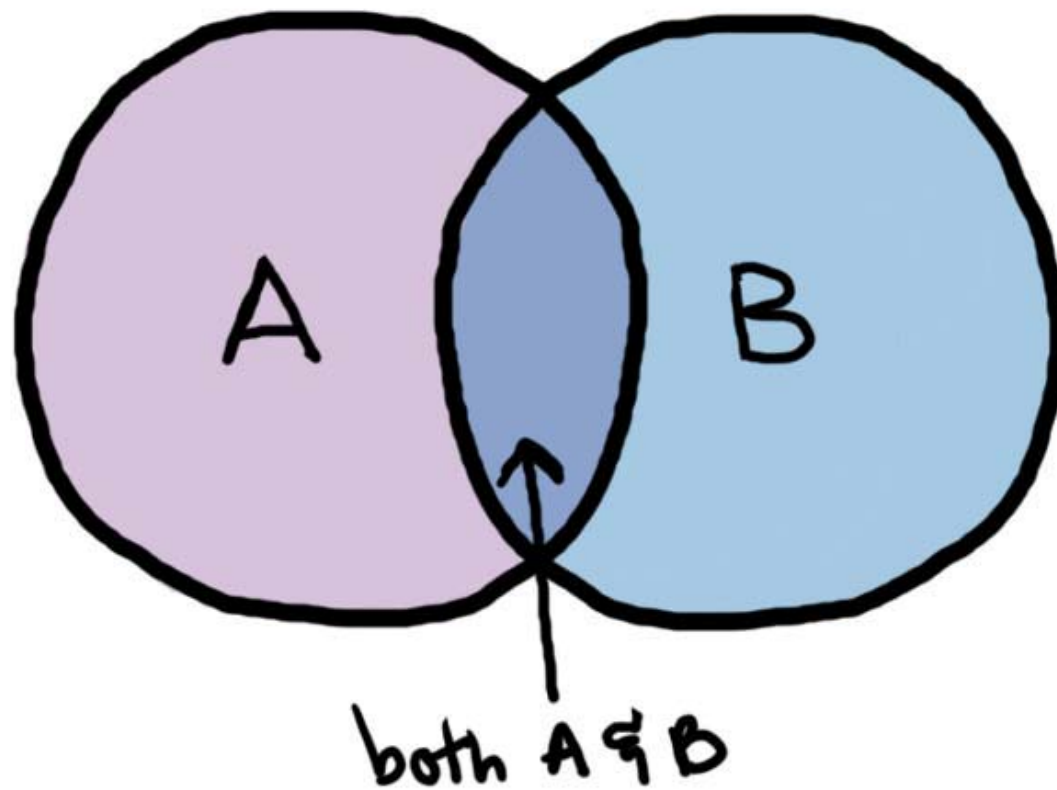


Peroxide Rules



Peroxide Rules

VENN DIAGRAM!



Peroxide Rules



What lies ahead?

