

Supreme Court to Consider Impact of Stipulation Limiting Damages on CAFA Jurisdiction

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Lexology

On August 31, 2012, the Supreme Court granted a petition for a writ of certiorari in the *Standard Fire Insurance Co. v. Knowles* case ("Knowles"),^[1] where the Court may interpret the boundaries of the Class Action Fairness Act of 2005 ("CAFA"), 28 U.S.C. § 1332(d). Specifically, the Court will consider whether a named plaintiff in a putative class action may limit by stipulation the damages sought by the putative class to stay under the CAFA threshold, enabling the plaintiff to defeat removal and stay in state court. This case raises a number of significant issues including the lasting impact of *Smith v. Bayer Corp.*, 131 S. Ct. 2368 (2011), a previous Supreme Court case limiting a named plaintiff's ability to bind putative class members in the context of a prior denial of class certification, and the application of CAFA. To read the full article, please [click here](#).

[1] This case arises from an unpublished decision of the District Court for the Western District of Arkansas. *Knowles v. Standard Fire Ins. Co.*, No. 4:11-CV-04044, 2011 WL 6013024 (W.D. Ark. Dec. 2, 2011).

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