

July 22, 2009

I thought you would want to know that Public Justice has just filed an *amicus* brief urging the U.S. Supreme Court to reject Allstate Insurance's attempt to use state law to bar a class action against it in federal court.



Allstate

The case -- *Shady Grove Orthopedic Associates v. Allstate Insurance Co* -- involves a decision by the United States Court of Appeals for the Second Circuit dismissing a class action in federal court based on New York substantive law because a New York procedural prohibits the use of class actions with regard to certain state law causes of action. (The plaintiffs in *Shady Grove* sued Allstate for allegedly violating New York's "no fault" insurance laws.)

We weighed in on the issue because it strikes at the heart of the concerns underlying our Access to Justice Campaign and Class Action Preservation Project. **If the Second Circuit's decision is affirmed, then state legislatures could conceivably prohibit both state and federal courts from entertaining class actions on state law claims. As a result, the class action device could all but disappear from America's civil litigation landscape, stripping numerous victims of corporate abuse from any real chance of recovery.**

Our *amicus* brief emphasizes the vital role that class actions have played in facilitating the fair, efficient, and expeditious handling of mass claims and explains that, under longstanding U.S. Supreme Court precedent, federal procedural rules in general -- and Federal Rule 23 in particular -- cannot be overridden at the whim of the states.

To read our *amicus* brief, [click here](#).

Congratulations and thanks to Prof. Amanda Frost of American University School of Law, who drafted the brief with input from Public Justice Attorneys Leslie Brueckner, Matt Melamed, and me.

Thanks to you, too, for your support of Public Justice, our Class Action Preservation Project, and our Access to Justice Campaign. With your help, we are making a huge difference.

Arthur Bryant
Executive Director
Public Justice
& the Public Justice Foundation

P.S. Please forward this email to friends and colleagues who'd be interested. (When you do so, delete the information below about unsubscribing, or they could unsubscribe you.) To make a special contribution, renew your membership, or join us, please [click here](#).

email: abryant@publicjustice.net
voice: 510-622-8150