

SECTION IV - APPENDICES

APPENDIX A INFORMATION REQUIRED - MOTION FOR CLASS ACTION CERTIFICATION

A motion to certify a class must include, but is not limited to, the following:

- (1) A brief statement of the case.
- (2) A statement defining the class plaintiff seeks to have certified including its geographical and temporal scope.
- (3) A description of plaintiff's particular grievance and why that claim qualifies plaintiff as a member of the class as defined.
- (4) Whether the plaintiff contends that the action may be maintained under Rule 23(b)(1), Rule 23(b)(2), or Rule 23(b)(3) and why.
- (5) A statement respecting the four prerequisites of Federal Rule of Civil Procedure 23(a). The statement shall set forth:
 - a. The anticipated number of class members and how this number was determined.
 - b. The common questions of law and fact involved.
 - c. The reasons why plaintiff's claim is typical of those of the other class members.
 - d. The reason why representation by the named plaintiff is adequate to protect the interests of the class. This part of the statement shall specifically answer the following questions:
 - (i) Is the claim of the named plaintiff presently or potentially in conflict with that of any members of the class?
 - (ii) Will the claims of the class require subclasses presently or in the future?
 - (iii) What is the prior experience of counsel for the plaintiff that would indicate capability to handle the lawsuit?
 - (iv) Is counsel presently representing or has he at any time represented, a class in any other class action, and if so, when and how many instances?
 - (v) How many cases is plaintiff's counsel now handling in which class action allegations are made?

(6) A statement describing any other pending actions in any court against the defendants alleging the same or similar causes of action.

(7) A statement that the attorney for the named plaintiff has discussed and thoroughly explained to the plaintiff the nature of a class action and potential advantages and disadvantages to the named plaintiff by proceeding in a class action rather than individually.

(8) A statement of the proposed notices to the members of the class and how and when the notices will be given, including a statement regarding security deposit for the cost of notices.

(9) A description of the extent of any settlement negotiations that have taken place and the likelihood of settlement with the named plaintiff on an individual basis. If such settlement is likely, include a statement specifying:

a. Whether or not counsel have any knowledge of any person who has relied on the fact that this suit was initially filed as a class action.

b. The manner in which counsel will protect the class in the event of settlement with the named plaintiff on an individual basis.

(10) A statement of any other matters that the plaintiff deems necessary and proper to the expedition of a decision on the motion and the speedy resolution of the case on the merits.