

Striking Class Allegations Pre-Certification: Legal Standards, Grounds to Strike, Recent Trends, Best Practices

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Class action allegations can be intimidating and the trends in motions to strike are changing.

Member **Joe Apatov** (Fort Lauderdale) is presenting a Strafford webinar, “Striking Class Allegations Pre-Certification: Legal Standards, Grounds to Strike, Recent Trends, Best Practices,” on December 14, 2023. This panel will review both Rule 12(f) and Rule 23, which allow defendants to move to strike class allegations, which, if successful, prevent certification or at least reduce the size of the class with attendant benefits concerning the scope of discovery and cost. The burdens of proof are different under each rule, and different jurisdictions consider one or the other rule more appropriate. While any legal deficiency, the weak, or otherwise implausible class allegation is fair game, certain defects are excellent candidates for strike motions, including personal jurisdiction, nationwide class definitions, and predominance/commonality, which focus on variations in state law and individualized questions of injury.

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Joseph A. Apatov