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Washburn Quoted in Law360 About Antitrust Takeaways in Petrobras Ruling

In the News

Taylor Washburn was quoted in a July 28 Law360 article titled “Antitrust Takeaways From the 2nd Circ. Petrobras Ruling.” The article discussed the Second Circuit’s recent decision in the *In re Petrobras Securities* litigation in which it affirmed in part and vacated in part an order by Judge Rakoff of the S.D.N.Y. certifying two classes. In doing so, the Second Circuit joined several other circuits in declining to adopt a “heightened” version of the implied class certification requirement of ascertainability, which arose in the Third Circuit. Washburn commented on the divide between the circuits.

Taylor Washburn of Lane Powell PC said the high court justices may wait until the circuit courts have ruled on more cases before taking up the question of administrative feasibility to see if a clear circuit split emerges.

“It really would come down to whether you’re seeing significant differences in outcomes between the circuits,” Washburn said. “In that case, I think Supreme Court guidance would be necessary.”