

June 28, 2017 Publication

Related People

Related Practices & Industries

Litigation

Securities & Corporate Governance
Litigation

Resh Exposes Defendants to Serial Class Cert. Relitigation

Law360

Peter Hawkes authored a June 19 article in *Law360* titled “Resh Exposes Defendants to Serial Class Cert. Relitigation.” The article discusses a recent decision in *Resh v. China Agritech Inc.*, where the Ninth Circuit’s decision opens the door to the possibility of serial, successive attempts to certify a class in securities (and other) cases, potentially exposing defendants to an almost never-ending series of class actions.

Despite the court’s insistence to the contrary, *Resh* represents a sharp break from prior law in the Ninth Circuit. Given that the court radically reinterpreted the en banc decision in *Catholic Social Services*, it will be interesting to see whether the Ninth Circuit elects to reconsider the *Resh* decision en banc.