

# Press Release

Washington Legal Foundation  
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**FOR IMMEDIATE RELEASE**

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## **COURT URGED TO REIN IN NATIONWIDE CLASS ACTION SUITS**

*(Ysbrand v. DaimlerChrysler Corp.)*

The Washington Legal Foundation (WLF) yesterday urged the Oklahoma Supreme Court to limit the certification of nationwide class action lawsuits, in which the plaintiff seeks to sue on behalf not only of himself, but also of every similarly situated person throughout the nation.

In a brief filed in *Ysbrand v. DaimlerChrysler Corp.*, WLF argued that plaintiffs' lawyers often bring such nationwide class actions as a means of coercing a settlement, without regard to the merits of the suits. Such suits tend to be totally unmanageable, because class members will often have widely varying damages claims, and different sets of laws often apply to class members from different states.

The trial judge in this case tried to avoid those unmanageability problems by decreeing that all claims would be judged under Michigan law, the state in which the defendant has its corporate headquarters. The Oklahoma Supreme Court affirmed the trial court's decision, and WLF filed its brief in support of the defendant's petition for rehearing. WLF argued that applying Michigan law violated the due process rights of the vast majority of litigants who had no connection with Michigan. WLF argued that each class member's claim must be governed by the law of his home state. Since class members come from all 50 states, WLF argued that the class should be decertified because any trial involving the application of the laws of all 50 states would be too cumbersome.

The case involves two Oklahoma residents who claim that the minivans they purchased from DaimlerChrysler were defective because they included air bags that could injure small children due to their rapid deployment. The air bags complied with all applicable government safety regulations. The plaintiffs, whose airbags have never deployed, seek to recover the cost of replacing existing air bags with bags that deploy with less force. The trial court certified the case as a class action on behalf of the one million consumers nationwide who purchased similarly equipped DaimlerChrysler minivans. The Oklahoma Supreme Court last month affirmed the class certification decision.

In its brief, WLF argued that the Fourteenth Amendment's Due Process Clause prohibits a state's law from governing resolution of litigation unless the State has a meaningful connection to the parties' claims. WLF noted that very few of the members of the plaintiff class purchased their minivans in Michigan. WLF argued that due process prohibits applying Michigan law to minivan sales that have no meaningful connection to Michigan.

WLF stated that it is understandable why judges would like to apply a single state's law to the claims of all class members -- applying one law to everyone makes a case far more manageable. But such manageability concerns are not sufficient reason to ignore constitutional limitations on the application of a state's laws to transaction having no connection with the state, WLF argued. The solution is to avoid certification of massive class actions which serve the interests of no one other than plaintiffs' lawyers seeking to coerce unwarranted settlements, WLF argued.

WLF is a public interest law and policy center with supporters in all 50 states, including many in Oklahoma. It devotes a significant portion of its resources to advancing the interests of the free-enterprise system and to ensuring that economic development is not impeded by excessive litigation.

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For further information, contact WLF Chief Counsel Richard Samp, (202) 588-0302. WLF's brief can be viewed on its web site, [www.wlf.org](http://www.wlf.org).