

# ASSEMBLY, No. 894

## STATE OF NEW JERSEY 215th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2012 SESSION

**Sponsored by:**

Assemblyman **GARY R. CHIUSANO**  
District 24 (Morris, Sussex and Warren)  
Assemblyman **JOHN S. WISNIEWSKI**  
District 19 (Middlesex)

**Co-Sponsored by:**

Assemblywoman **McHose**

**SYNOPSIS**

Establishes right to immediate interlocutory appeal from determinations as to class certification in class action lawsuits.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel



1 AN ACT concerning class action lawsuits and supplementing Title  
2 2A of the New Jersey Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

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7 1. Appeals of class certification orders.

8 a. An appeal of an order granting or denying a motion for class  
9 certification or decertification may be taken to the Appellate  
10 Division of the Superior Court as of right. An appeal of a decision  
11 of the Appellate Division of the Superior Court concerning class  
12 certification or decertification may be taken to the Supreme Court  
13 in the same manner as a final judgment of the Appellate Division of  
14 the Superior Court.

15 b. An appeal under this section stays all other proceedings in  
16 the Superior Court pending resolution of the appeal.

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18 2. This act shall take effect on the 91st day following  
19 enactment and shall apply to all cases filed on or after its effective  
20 date.

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STATEMENT

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25 This bill would permit litigants contesting a judicial  
26 determination as to the certification or decertification of a class of  
27 plaintiffs in a class action lawsuit to immediately appeal that ruling  
28 to the Appellate Division of the Superior Court as of right.

29 Under the existing system, litigants who wish to challenge a  
30 determination as to class certification must either request leave to  
31 file an interlocutory appeal or litigate the matter to a final judgment.  
32 If a motion for leave to file an interlocutory appeal is not granted,  
33 the litigant is generally left with a choice between incurring the  
34 expense of litigating the matter to a final judgment or settling the  
35 case without the benefit of a judicial ruling.

36 Several other states, including Connecticut, Florida, Ohio,  
37 Oklahoma, and Texas, currently permit interlocutory appeals as of  
38 right of determinations as to class certification.