



Smith v. Bayer Corp.

| Docket No. | Argument | Opinion | Vote | Author | Term |
|-------------------------|----------|---------|------|--------|-------------------------|
| 09-1205 | TBD | TBD | TBD | TBD | OT 2010 |

Issue: 1. Whether, under the re-litigation exception of the Anti-Injunction Act, a district court can enjoin parties from seeking class certification in state court under state procedural rules when the district court had previously denied certification of a similar class under federal procedural rules but neither the parties sought to be estopped nor the issues to be presented in state court are identical as those presented to the district court. 2. Whether a district court that previously denied class certification nonetheless has personal jurisdiction over the absent putative class members such that it may enjoin them from seeking class certification in state court.

Plain English Issue: Several consumers filed a lawsuit in federal court, seeking permission to proceed as a class action against a drug maker. After the federal court denied class status, other consumers – individuals who would have been members of the class but were not the same people who filed the federal law suit – attempted to file a separate class action in state court. The question is whether the federal court had authority to prohibit the state lawsuit.

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