

SCOTUS Opinion: Deadline To Appeal Class Decertification Not Subject To Equitable Tolling

26 Feb 2019

Under Rule 23(f) of the [Federal Rules of Civil Procedure](#), a party has 14 days to file with the federal circuit appeals court a petition for permission to appeal an order certifying or decertifying a class action. In [Nutraceutical Corp. v. Lambert](#), when the district court decertified his class action, Troy Lambert chose to file a motion for reconsideration of that order instead of appeal. When that motion was denied, he filed his petition 14 days later. Nutraceutical objected, arguing that the 14-day deadline had passed since the entry of the original decertification order. The Ninth Circuit ruled that the deadline had tolled due to Lambert's diligence. The Court, in a unanimous opinion by Justice Sotomayor, reversed. First, the Court recognized that Rule 26(b) specifically states that courts could not extend time to file these class action appeal petitions, thus indicating that the deadline was to be read more inflexibly. The Court also rejected Lambert's argument that his motion for reconsideration, filed more than 14 days after the decertification order, somehow tolled the deadline, stating that such a motion only "affects the antecedent issue of when the 14-day limit begins to run, not the availability of tolling."

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TAGGED: scotus, Equitable Tolling, Rule 23(f), Federal Rules of Civil Procedure, class action, Nutraceutical Corp. v. Lambert

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