

The Supreme Court - February 26, 2019

Today, the Supreme Court issued one decision:

Nutraceutical Corp. v. Lambert, No. 17-1094: In a class action against Nutraceutical Corporation, the district court decertified the class represented by Troy Lambert. Within 10 days of the decertification order, Lambert informed the district court of his intent to file a motion for reconsideration. Lambert filed his motion for reconsideration within 20 days of the decertification order, but this motion was denied. Lambert then filed a petition with the Ninth Circuit for permission to appeal the decertification order. Although Lambert did not file the petition to appeal within 14 days of the decertification order, as required by Federal Rule of Civil Procedure 23(f), the Ninth Circuit held that the Rule 23(f) deadline was tolled by Lambert informing the district court of his intent to file a motion for reconsideration. The Ninth Circuit therefore accepted Lambert's petition as timely. Today, the Supreme Court reversed and remanded, holding that Rule 23(f) is not subject to equitable tolling. Although Rule 23(f) is a "nonjurisdictional claim-processing rule," the Court reasoned, the text of the relevant rules leaves no flexibility for courts to toll Rule 23(f)'s deadline.

The Court's decision is available [here](#).

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