

§ 1697. Service in multiparty, multiform actions

When the jurisdiction of the district court is based in whole or in part upon section 1369 of this title, process, other than subpoenas, may be served at any place within the United States, or anywhere outside the United States if otherwise permitted by law.

(Added Pub. L. 107-273, div. C, title I, § 11020(b)(4)(A)(i), Nov. 2, 2002, 116 Stat. 1828.)

EFFECTIVE DATE

Section applicable to a civil action if the accident giving rise to the cause of action occurred on or after the 90th day after Nov. 2, 2002, see section 11020(c) of Pub. L. 107-273, set out as a note under section 1369 of this title.

CHAPTER 114—CLASS ACTIONS

Sec.

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§ 1711. Definitions

In this chapter:

(1) **CLASS.**—The term “class” means all of the class members in a class action.

(2) **CLASS ACTION.**—The term “class action” means any civil action filed in a district court of the United States under rule 23 of the Federal Rules of Civil Procedure or any civil action that is removed to a district court of the United States that was originally filed under a State statute or rule of judicial procedure authorizing an action to be brought by 1 or more representatives as a class action.

(3) **CLASS COUNSEL.**—The term “class counsel” means the persons who serve as the attorneys for the class members in a proposed or certified class action.

(4) **CLASS MEMBERS.**—The term “class members” means the persons (named or unnamed) who fall within the definition of the proposed or certified class in a class action.

(5) **PLAINTIFF CLASS ACTION.**—The term “plaintiff class action” means a class action in which class members are plaintiffs.

(6) **PROPOSED SETTLEMENT.**—The term “proposed settlement” means an agreement regarding a class action that is subject to court approval and that, if approved, would be binding on some or all class members.

(Added Pub. L. 109-2, § 3(a), Feb. 18, 2005, 119 Stat. 5.)

REFERENCES IN TEXT

Rule 23 of the Federal Rules of Civil Procedure, referred to in par. (2), is set out in the Appendix to this title.

EFFECTIVE DATE

Chapter applicable to any civil action commenced on or after Feb. 18, 2005, see section 9 of Pub. L. 109-2, set out as an Effective Date of 2005 Amendment note under section 1332 of this title.

FINDINGS AND PURPOSES

Pub. L. 109-2, § 2, Feb. 18, 2005, 119 Stat. 4, provided that:

“(a) **FINDINGS.**—Congress finds the following:

“(1) Class action lawsuits are an important and valuable part of the legal system when they permit the fair and efficient resolution of legitimate claims of numerous parties by allowing the claims to be aggregated into a single action against a defendant that has allegedly caused harm.

“(2) Over the past decade, there have been abuses of the class action device that have—

- “(A) harmed class members with legitimate claims and defendants that have acted responsibly;
- “(B) adversely affected interstate commerce; and
- “(C) undermined public respect for our judicial system.

“(3) Class members often receive little or no benefit from class actions, and are sometimes harmed, such as where—

“(A) counsel are awarded large fees, while leaving class members with coupons or other awards of little or no value;

“(B) unjustified awards are made to certain plaintiffs at the expense of other class members; and

“(C) confusing notices are published that prevent class members from being able to fully understand and effectively exercise their rights.

“(4) Abuses in class actions undermine the national judicial system, the free flow of interstate commerce, and the concept of diversity jurisdiction as intended by the framers of the United States Constitution, in that State and local courts are—

“(A) keeping cases of national importance out of Federal court;

“(B) sometimes acting in ways that demonstrate bias against out-of-State defendants; and

“(C) making judgments that impose their view of the law on other States and bind the rights of the residents of those States.

“(b) **PURPOSES.**—The purposes of this Act [see Short Title of 2005 Amendments note set out under section 1 of this title] are to—

“(1) assure fair and prompt recoveries for class members with legitimate claims;

“(2) restore the intent of the framers of the United States Constitution by providing for Federal court consideration of interstate cases of national importance under diversity jurisdiction; and

“(3) benefit society by encouraging innovation and lowering consumer prices.”

§ 1712. Coupon settlements

(a) **CONTINGENT FEES IN COUPON SETTLEMENTS.**—If a proposed settlement in a class action provides for a recovery of coupons to a class member, the portion of any attorney’s fee award to class counsel that is attributable to the award of the coupons shall be based on the value to class members of the coupons that are redeemed.

(b) **OTHER ATTORNEY’S FEE AWARDS IN COUPON SETTLEMENTS.**—

(1) **IN GENERAL.**—If a proposed settlement in a class action provides for a recovery of coupons to class members, and a portion of the recovery of the coupons is not used to determine the attorney’s fee to be paid to class counsel, any attorney’s fee award shall be based upon the amount of time class counsel reasonably expended working on the action.

(2) **COURT APPROVAL.**—Any attorney’s fee under this subsection shall be subject to approval by the court and shall include an appropriate attorney’s fee, if any, for obtaining equitable relief, including an injunction, if applicable. Nothing in this subsection shall be construed to prohibit application of a lodestar with a multiplier method of determining attorney’s fees.