

“Certifying Damages Class Actions after ‘Comcast,’” New York Law Journal

Publications

April 17, 2015

By: Michael W. Ross

In this article, Jenner & Block Partner Michael W. Ross and Associate Gretchen O. Stertz analyze the implications of recent Second Circuit rulings in two class action disputes. The authors explain that the Second Circuit narrowly interpreted *Comcast v. Behrend*, the US Supreme Court opinion in which certification of a class action was reversed because the plaintiffs failed to present proof that their class-wide damages theory could support their liability claim. In the two recent cases, the Second Circuit held that the existence of individual damages determinations is just one factor for district courts to consider in deciding whether to certify a class action. The authors examine the *Comcast* decision and the two recent cases, observing that “together, these rulings appear to signal the Second Circuit’s commitment to afford district courts discretion to certify class actions even in the wake of tightening Supreme Court precedent.”

Related Attorneys



Michael W. Ross

Partner

mross@jenner.com

+1 212 891 1669

Related Capabilities

Class Action

Litigation

Related Locations

New York

© 2026 Jenner & Block LLP. Attorney Advertising. Jenner & Block LLP is an Illinois Limited Liability Partnership including professional corporations. This publication, presentation, or event is not intended to provide legal advice but to provide information on legal matters and/or firm news of interest to our clients and colleagues. Readers or attendees should seek specific legal advice before taking any action with respect to matters mentioned in this publication or at this event. The attorney responsible for this communication is Brent E. Kidwell, Jenner & Block LLP, 353 N. Clark Street, Chicago, IL 60654-3456. Prior results do not guarantee a similar outcome. Jenner & Block London LLP, an affiliate of Jenner & Block LLP, is a limited liability partnership established under the laws of the State of Delaware, USA and is authorised and regulated by the Solicitors Regulation Authority with SRA number 615729. Information regarding the data we collect and the rights you have over your data can be found in our Privacy Notice. For further inquiries, please contact dataprotection@jenner.com.

Stay Informed

