

Defeated a motion to certify a nationwide breach of warranty class in a case alleging that certain Kenmore washing machines contained defective electronic control boards that caused the machines to malfunction.

2013

Wheeler Trigg O'Donnell defeated a motion to certify a nationwide breach-of-warranty class in a case alleging that certain Kenmore washing machines contained defective electronic control boards that caused the machines to malfunction.

The Court held the class definition was fatally overbroad and unascertainable because highly individualized inquiries would be required to determine if any member of the putative class experienced the alleged control board defect. For the same reason, the court also held that Rule 23(a)'s commonality and Rule 23(b)(3)'s predominance requirements were not satisfied.

This is the second time the Court has denied a motion for class certification in this case.

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Allison R. McLaughlin
Counsel

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