Syllabus

NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Timber & Lumber Co.*, 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

Syllabus

MISSISSIPPI EX REL. HOOD, ATTORNEY GENERAL *v.* AU OPTRONICS CORP. ET AL.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

No. 12–1036. Argued November 6, 2013—Decided January 14, 2014

Congress enacted the Class Action Fairness Act of 2005 (CAFA) to lower diversity jurisdiction requirements in class actions and, as relevant here, in mass actions, *i.e.*, civil actions "in which monetary relief claims of 100 or more persons are proposed to be tried jointly on the ground that the plaintiffs' claims involve common questions of law or fact," 28 U. S. C. §1332(d)(11)(B)(i). Petitioner Mississippi sued respondent liquid crystal display (LCD) manufacturers in state court, alleging violations of state law and seeking, *inter alia*, restitution for LCD purchases made by itself and its citizens. Respondents sought to remove the case to federal court. The District Court held that the suit qualified as a mass action under §1332(d)(11)(B)(i), but remanded the suit to state court on the ground that it fell within CAFA's "general public" exception, §1332(d)(11)(B)(ii)(III). The Fifth Circuit reversed, agreeing with the District Court that the suit was a mass action but finding the general public exception inapplicable.

Held: Because Mississippi is the only named plaintiff, this suit does not constitute a mass action under CAFA. Pp. 5–14.

(a) Contrary to respondents' argument, CAFA's "100 or more persons" phrase does not encompass unnamed persons who are real parties in interest to claims brought by named plaintiffs. Congress knew how to draft language to that effect when it intended such a meaning, see, *e.g.*, §§1332(d)(5)(B), 1332(d)(1)(D). That it did not do so in the mass action provision indicates that Congress did not want the provision's numerosity requirement to be satisfied by counting unnamed individuals who possess an interest in the suit.

Respondents' understanding also cannot be reconciled with the fact that the "100 or more persons" are not unspecified individuals with

no participation in the suit but are the "plaintiffs" subsequently referred to in the provision, *i.e.*, the very parties proposing to join their claims in a single trial. This is evident in two key ways. First, CAFA uses "persons" and "plaintiffs" the same way they are used in Federal Rule of Civil Procedure 20, which refers to "persons" as individuals who are proposing to join as "plaintiffs" in a single action. Second, it is difficult to imagine how the "claims of 100 or more" unnamed individuals could be "proposed to be tried jointly on the ground that the . . . claims" of some completely different group of named plaintiffs "involve common questions of law or fact."

Construing "plaintiffs" to include both named and unnamed real parties in interest would stretch the meaning of "plaintiff" beyond recognition. A "plaintiff" is commonly understood to be a party who brings a civil suit in a court of law, not anyone, named or unnamed, whom a suit may benefit. Moreover, respondents' definition would also have to apply to the mass action provision's subsequent reference to "plaintiffs" in the phrase "jurisdiction shall exist only over those plaintiffs whose claims [exceed $75,000]," §1332(d)(11)(B)(i). See *Brown* v. *Gardner*, 513 U. S. 115, 118. This would result in an administrative nightmare that Congress could not possibly have intended, see *Griffin* v. *Oceanic Contractors, Inc.*, 458 U. S. 564, 575, where district courts would have to identify hundreds (or in this case, hundreds of thousands) of unnamed parties whose claims are for less than $75,000 and then decide how to dispose of their claims. Pp. 5–10.

(b) Statutory context reinforces this Court's reading of the mass action provision. CAFA provides that once removal occurs, a case shall not be transferred to another court "unless a majority of the plaintiffs in the action request transfer." §1332(d)(11)(C)(i). If "plaintiffs" included unnamed parties, it would be surpassingly difficult for a court to poll the enormous number of real parties in interest to decide whether an action may be transferred. Moreover, respondents' position that the action here should be removed because it is similar to a class action fails to recognize that the mass action provision functions largely as a backstop to ensure that CAFA's relaxed class action jurisdictional rules cannot be evaded by a suit that names a host of plaintiffs rather than using the class device. Had Congress wanted CAFA to authorize removal of representative actions brought by States as sole plaintiffs on respondents' theory, it would have done so through the class action provision, not the mass action provision. Pp. 10–11.

(c) This Court has interpreted the diversity jurisdiction statute to require courts in certain contexts to look behind the pleadings to ensure that parties are not improperly creating or destroying diversity

Syllabus

jurisdiction, see, *e.g.*, *Wecker* v. *National Enameling & Stamping Co.*, 204 U. S. 176, 185–186, but Congress did not intend this background inquiry to apply to the mass action provision. First, it could make sense to incorporate the background inquiry into the mass action provision if the inquiry had previously been applied in a similar manner. That is not the case here, however, and so any presumption that Congress wanted to incorporate the inquiry, if it exists at all, would be comparatively weak. Second, even if the background principle had previously been applied in this manner, Congress expressly indicated that it did not want the principle to apply to the mass action provision both through the textual indicators described above and by prohibiting defendants from joining unnamed individuals to a lawsuit in order to turn it into a mass action, §1332(d)(11)(B)(ii)(II). Requiring district courts to identify unnamed persons interested in the suit would run afoul of that intent. Pp. 11–13.

701 F. 3d 796, reversed and remanded.

SOTOMAYOR, J., delivered the opinion for a unanimous Court.

SUPREME COURT OF THE UNITED STATES

No. 12–1036

MISSISSIPPI EX REL. JIM HOOD, ATTORNEY GENERAL, PETITIONER *v.* AU OPTRONICS CORPORATION ET AL.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

[January 14, 2014]

JUSTICE SOTOMAYOR delivered the opinion of the Court.

Under the Class Action Fairness Act of 2005 (CAFA or Act), defendants in civil suits may remove "mass actions" from state to federal court. CAFA defines a "mass action" as "any civil action . . . in which monetary relief claims of 100 or more persons are proposed to be tried jointly on the ground that the plaintiffs' claims involve common questions of law or fact." 28 U. S. C. §1332(d)(11)(B)(i). The question presented is whether a suit filed by a State as the sole plaintiff constitutes a "mass action" under CAFA where it includes a claim for restitution based on injuries suffered by the State's citizens. We hold that it does not. According to CAFA's plain text, a "mass action" must involve monetary claims brought by 100 or more persons who propose to try those claims jointly as named plaintiffs. Because the State of Mississippi is the only named plaintiff in the instant action, the case must be remanded to state court.

I

A

Congress enacted CAFA in order to "amend the procedures that apply to consideration of interstate class actions." 119 Stat. 4. In doing so, Congress recognized that "[c]lass action lawsuits are an important and valuable part of the legal system." CAFA §2. It was concerned, however, that certain requirements of federal diversity jurisdiction, 28 U. S. C. §1332, had functioned to "kee[p] cases of national importance" in state courts rather than federal courts. CAFA §2.

CAFA accordingly loosened the requirements for diversity jurisdiction for two types of cases—"class actions" and "mass actions." The Act defines "class action" to mean "any civil action filed under rule 23 of the Federal Rules of Civil Procedure or similar State statute or rule of judicial procedure." 28 U. S. C. §1332(d)(1)(B). And it defines "mass action" to mean "any civil action . . . in which monetary relief claims of 100 or more persons are proposed to be tried jointly on the ground that the plaintiffs' claims involve common questions of law or fact." §1332(d)(11)(B)(i).

For class and mass actions, CAFA expanded diversity jurisdiction in two key ways. First, it replaced the ordinary requirement of complete diversity of citizenship among all plaintiffs and defendants, see *State Farm Fire & Casualty Co.* v. *Tashire*, 386 U. S. 523, 530–531 (1967), with a requirement of minimal diversity. Under that requirement, a federal court may exercise jurisdiction over a class action if "any member of a class of plaintiffs is a citizen of a State different from any defendant." §1332(d)(2)(A). The same rule applies to mass actions. See §1332(d)(11)(A) ("[A] mass action shall be deemed . . . removable under [§§1332(d)(2) through (d)(10)]"). Second, whereas §1332(a) ordinarily requires each plaintiff's claim to exceed the sum or value of $75,000, see *Exxon Mobil*

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