

RULE 205 (Fed. R. Civ. P. 23)

SPECIAL RULE FOR CLASS ACTIONS

In any action sought to be maintained as a class action:

(1) Determination. Within such time as the Court may direct pursuant to order issued under Fed. R. Civ. P. 16(d), the plaintiff shall move for a determination under Fed. R. Civ. P. 23 whether the action is to be maintained as a class action. In ruling on the motion, the Court may allow or conditionally allow the action to be so maintained, may disallow and strike the class action allegations, or may order postponement of the determination pending discovery or such other preliminary procedures as appear appropriate and necessary.

(2) Counterclaims or Cross-Claims. The foregoing provisions shall apply, with appropriate adaptations, to any counterclaim or cross-claim alleged to be brought for or against a class.

(3) Notice of Petition for Permissive Appeal Pursuant to F. R. Civ. P. 23(f). When, pursuant to F. R. Civ. P. 23(f), a party files a petition in the Court of Appeals, requesting permission to appeal an order granting or denying class-certification, the party shall file a "Notice of Petition for Permission to Appeal Pursuant to Fed. R. Civ. P. 23(f)" in the district court within seven (7) days. The Notice must identify the filing party, the court of appeals case number, date of the filing, the party's position regarding the effect of the permissive appeal and whether the party will be requesting a stay.