

NY CLS CPLR § 901

Current through 2018 released Chapters 1-372, 377-403

New York Consolidated Laws Service > Civil Practice Law And Rules (Arts. 1 — 100) > Article 9 Class Actions (§§ 901 — 909)

§ 901. Prerequisites to a class action

a. One or more members of a class may sue or be sued as representative parties on behalf of all if:

1. the class is so numerous that joinder of all members, whether otherwise required or permitted, is impracticable;
2. there are questions of law or fact common to the class which predominate over any questions affecting only individual members;
3. the claims or defenses of the representative parties are typical of the claims or defenses of the class;
4. the representative parties will fairly and adequately protect the interests of the class; and
5. a class action is superior to other available methods for the fair and efficient adjudication of the controversy.

b. Unless a statute creating or imposing a penalty, or a minimum measure of recovery specifically authorizes the recovery thereof in a class action, an action to recover a penalty, or minimum measure of recovery created or imposed by statute may not be maintained as a class action.

History

Add, L 1975, ch 207, § 1, eff Sept 1, 1975.

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