

## Ninth Circuit Address Choice of Law in the Context of Class Certification

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*Mazza, et al. v. American Honda Motor Co.*, No. 09-55376 ((9th Cir. 2012), presents a related analysis to that of the Seventh Circuit in our recent posting on class or collective actions. Here, however, the Court of Appeals vacated and reversed the grant of class certification.

As defined in the district court, the class consisted of a nationwide class of all consumers who purchased or leased an Acura equipped with a Collision Mitigation Braking System. The gravamen of the claim was that defendant misrepresented the characteristics of the braking system. The district court determined that all such claims could be adjudicated under California law. The district court also presumed reliance, something which the Ninth Circuit took issue with but is not discussed further below.

In reversing, the Ninth Circuit held that the district court “erred because it erroneously concluded that California law could be applied to the entire nationwide class”. The Court of Appeals also reversed because the district court “concluded that all consumers who purchased or lease the Acura RL can be presumed to have relied on defendant’s advertisements.

On the choice of law determination, which has obvious implications to the resolution of international disputes, the Court of Appeals ruled that California law could be used on a classwide basis only if the interests of other states are not found to outweigh California’s. The Court of Appeals found that California law different in material respects from that of the law of other jurisdictions and that there were “interests of foreign jurisdictions” that needed to be taken into account, which had not been done in a way the Court of Appeals wanted.

The Ninth Circuit concluded that, because the laws of many different jurisdictions would apply to the nationwide class, “variances in state law overwhelm common issues and preclude predominance for a single nationwide class”.

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