

14-1146 TYSON FOODS, INC. V. BOUAPHAKEO

DECISION BELOW: 765 F.3d 791

LOWER COURT CASE NUMBER: 12-3753

QUESTION PRESENTED:

I. Whether differences among individual class members may be ignored and a class action certified under Federal Rule of Civil Procedure 23(b)(3), or a collective action certified under the Fair Labor Standards Act, where liability and damages will be determined with statistical techniques that presume all class members are identical to the average observed in a sample.

II. Whether a class action may be certified or maintained under Rule 23(b)(3), or a collective action certified or maintained under the Fair Labor Standards Act, when the class contains hundreds of members who were not injured and have no legal right to any damages.

CERT. GRANTED 6/8/2015