

Rule 4.04 | CLASS ACTIONS

(a) In any case sought to be maintained as a class action pursuant to Rule 23, Fed.R.Civ.P., the complaint shall contain, under a separate heading styled "**CLASS ACTION ALLEGATIONS**", detailed allegations of fact showing the existence of the several prerequisites to a class action as enumerated in Rule 23(a) and (b), Fed.R.Civ.P.

(b) Within ninety (90) days following the filing of the initial complaint in such an action, unless the time is extended by the Court for cause shown, the named plaintiff or plaintiffs shall move for a determination under Rule 23(c)(1) as to whether the case is to be maintained as a class action. The motion shall be supported by a memorandum as required by Rule 3.01(a) of these rules; and, in addition to a showing of the prerequisites as required by subsection (a) of this rule, the motion shall contain a detailed description or definition of the class (and sub-classes, if any), and the number of persons in the class. If a determination is sought that the action shall be maintained under Rule 23(b)(3), the motion shall also suggest a means of providing, and defraying the cost of, the notice required by Rule 23(c)(2), Fed.R.Civ.P. If discovery relating to class action issues is needed, the parties may move the Court for leave to take such discovery prior to the case management meeting.

(c) In ruling upon a motion made under subsection (b) of this rule, the Court may allow the class action, may disallow and strike the class action allegations, or may order postponement of the determination pending additional discovery or such other preliminary procedures as may appear appropriate in the circumstances.

(d) The foregoing provisions of this rule shall apply, with appropriate adaptations, to any complaint alleged to be brought against a class, and to counterclaims or cross-claims brought for a class.