

105TH CONGRESS  
1ST SESSION

# H. R. 660

To amend title 28, United States Code, to allow an interlocutory appeal from a court order determining whether an action may be maintained as a class action.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 10, 1997

Mr. CANADY of Florida introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To amend title 28, United States Code, to allow an interlocutory appeal from a court order determining whether an action may be maintained as a class action.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. INTERLOCUTORY APPEALS OF COURT ORDERS**  
4 **RELATING TO CLASS ACTIONS.**

5 Section 1292(b) of title 28, United States Code, is  
6 amended—

7 (1) by inserting “(1)” after “(b)”; and

8 (2) by adding at the end the following:

1       “(2) A party to an action in which the district court  
2 has made a determination of whether the action may be  
3 maintained as a class action may make application for ap-  
4 peal of that determination to the court of appeals which  
5 would have jurisdiction of an appeal of that action. The  
6 court of appeals may, in its discretion, permit the appeal  
7 to be taken from such determination if the application is  
8 made within 10 days after the entry of the court’s deter-  
9 mination relating to the class action. Application for an  
10 appeal under this paragraph shall not stay proceedings in  
11 the district court unless the district judge or the court of  
12 appeals or a judge thereof shall so order.”.

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