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Fight or Flight: Summary Judgment or Settlement in Class Actions

Monique Jilesen co-authored an article in the March 2015 issue of the Class Actions Defence Quarterly.

"With a low threshold for certification, a defendant facing a class action has a number of tactical decisions to make from a cost, legal, and reputational perspective. In order to manage the cost and reputational issues, defendants have arguably too often been choosing to settle class actions that could have been successfully defended on the merits. The Supreme Court has recently breathed new life into another tool for defendants in class actions to consider—summary judgment.¹ Rather than focusing one's efforts on defending certification or achieving an early settlement, defendants can consider dealing with the action on its merits in a summary judgment motion..."

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