

M.C. Sungaila in Law360: Attorneys React To High Court's Tyson Class Action Ruling

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PRACTICES Appellate

The U.S. Supreme Court on Tuesday affirmed a \$5.8 million judgment against Tyson Foods in a worker don-doff case, holding that averages and other statistical analyses can be used to show similarities between disparate class members. Here, attorneys tell Law360 why the Supreme Court's ruling in Tyson Foods Inc. v. Bouaphakeo is significant...

"Tyson Foods is important both for its impact on wage and hour law and class actions. First, the majority opinion extends the court's prior opinion in Mt. Clemens, which allowed the use of statistical proof to give rise to 'just and reasonable inferences' concerning the amount of damages in a wage and hour case where liability was certain, and applies that same reasonable inference standard to establish liability in a wage and hour case where liability is disputed. This ruling encourages the use of statistical evidence to prove both liability and damages in wage and hour violations, whether they are collective actions or not. Second, the majority opinion makes clear that the propriety of using statistical evidence in other types of class actions will depend on the purpose for which the statistical sample is introduced, the elements and proof required for the underlying claim, as well as the Federal Rules of Evidence. This encourages decisions concerning the use of statistical evidence and the propriety of class certification in particular cases to be more firmly in the hands of district judges."

Excerpted from *Law360*. To read the full article, [click here](#) (subscription required.)