

M.C. Sungaila in Law360: Tyson Ruling Tees Up More Class Action Evidence Fights

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PRACTICES Appellate

The U.S. Supreme Court ruled Tuesday that Tyson Foods workers could use statistical sampling to support class certification in a don-doff dispute but declined to adopt sweeping rules for the use of such evidence, which experts say could lead to case-by-case disputes over the admissibility of statistical samples.

In a 6-2 ruling, the high court affirmed a \$5.8 million judgment against Tyson Foods Inc. that pork-processing workers had won in a hybrid class and collective action they brought in 2007 over uncompensated time spent donning and doffing required gear and time spent walking...

Haynes Boone LLP partner M.C. Sungaila who co-authored an amicus brief in the case on behalf of the International Association of Defense Counsel, where she is chair of the amicus curiae committee, said the ruling amounted to an extension of Mt. Clemens and encourages the use of representative evidence by plaintiffs in wage and hour cases while also opening the door for such evidence in other types of class actions.

“The lack of certainty [over the admissibility of representative evidence] disproportionately impacts class action defendants [since] the issue goes to the core of whether there should be a class in the first place,” Sungaila said, noting that certified class actions are more expensive to defend and give plaintiffs more leverage in settlement negotiations.

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