There is no requirement as to the number of named plaintiffs for the “adequacy of representation” requirement to be satisfied. Filing a class case with only one representative (that is, the named plaintiff) can be sufficient if that representative has a valid claim, is willing to pursue the litigation to closure, and is able to fulfill all obligations. However, in some cases, the inclusion of more than one representative can help demonstrate the existence of a pattern of conduct by the defendant, offer expanded typicality of claims, or allow inclusion of additional claims. It can also, to some extent, deter the defendant from attempting to “pick-off” the named plaintiff with an individual settlement offer or from attacking the adequacy of the proposed representative. Multiple class representatives also afford protection in the event of the death or relocation of, or the filing for bankruptcy by, one of the class representatives. If the class is divided into subclasses, each subclass may need its own representative, since one possible reason for creating subclasses is that all the interests of absentee class members are not directly aligned.

On the other hand, having too many class representatives can allow the defendant to highlight inconsistencies or differences in the facts of each representative’s situation. For each class representative, class counsel should expect to receive a notice of deposition, a set of demands for the production of documents, a set of interrogatories, and probably one or more motions to compel.

Footnotes

204 However, counsel should keep in mind when deciding to list multiple individuals as ostensible class representatives that, for every person listed, there will likely be interrogatories to be answered, documents to be produced, and a deposition. In fact, listing too many plaintiffs may create manageability or adequacy problems. See In re Ford Motor Co. Bronco Prod. Liab. Litig., 177 F.R.D. 360, 367 (E.D. La. 1997) (listing 120 named plaintiffs diminishes adequacy); Gill v. Monroe Cty. Dep’t of Soc’y Servs., 79 F.R.D. 316, 330 (W.D.N.Y. 1978) (naming twenty-eight plaintiffs unduly complicated proceedings).

Source: National Consumer Law Center, Consumer Class Actions [10th Ed.], updated at www.nclc.org/library
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