

First Circuit Opinion Summaries by Findlaw

- [First Circuit Opinion Summaries by Findlaw](#) - with links to full-text opinions arranged by month.

Most Recent Summaries

FINDLAW DAILY OPINION SUMMARIES
U.S. 1ST CIRCUIT COURT OF APPEALS

Drugs & Biotech, Antitrust & Trade Regulation, Consumer Protection Law In re Nexium Antitrust Litigation, No. 14-1521

In this class action involving sale of a prescription heartburn drug, plaintiffs assert that, but for defendants anti-competitive conduct, a generic version would have been available several years earlier, lowering the price through competition. Plaintiffs claimed damages under various state antitrust and consumer protection laws and sought class certification for a class of third-party payers, including the named plaintiffs and individual consumers. The judgment of the district court certifying the class is affirmed, where: 1) class certification is permissible even if the class includes a de minimis number of uninjured parties; and 2) the district court did not abuse its discretion by certifying the class here and determining that, at the certification stage, it had not been shown that future proceedings would not be manageable consistent with defendants' Seventh Amendment and due process rights.