

News & Insights

Terri Reiskin Lends Perspective to Supreme Court Decision: *Comcast Corp. v. Behrend*

Webinar Focused on Comcast's Progeny and Implications for Class Action Defense Practitioners
December 18, 2013

Terri S. Reiskin, a Washington, D.C.-based member in Dykema's Litigation group, whose experience focuses on product liability litigation, class action defense, appellate work and other complex litigation, offered her insights into the U.S. Supreme Court's decision in *Comcast Corp. v. Behrend* at a December 11, 2013 webinar presented by the International Association of Defense Counsel (IADC) Class Actions and Multi-Party Litigation Committee, of which she is the Vice-Chair for Webinars.

Reiskin, who served as moderator for this webinar, joined other practitioner panelists in providing perspectives into a host of legal issues raised by this Supreme Court decision. Among them:

- Is *Comcast* a game-changer on the issue of whether damages need be proven on a class-wide basis?
- Is *Comcast* limited to antitrust cases?
- Is it limited to damages issues, or does it apply more broadly to other failures to show predominance?

In her remarks, Reiskin stated that, while the decision failed to provide a definitive answer on the question of whether *Daubert* must be applied at the class certification stage, it is "notable" the *Comcast* majority said that the district court should have determined whether "the expert's methodology was a just and reasonable inference or merely speculative." She also said that the emphasis on proving classwide economic impact of allegedly unlawful conduct could have useful implications in defending "no-injury" class actions where the theory of injury is loss in value or overpayment for a product.

To view the PowerPoint presentation that accompanied the speakers' remarks at this IADC webinar, [click here](#).

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