



Class Certification Denied in *Wang v. Chinese Daily News*

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In *Wang v. Chinese Daily News*, the Ninth Circuit reversed the class certification it had previously affirmed and remanded the matter for further consideration of Rule 23(a) commonality and Rule 23(b)(3) predominance. Notably, the Ninth Circuit applied the 2011 United States Supreme Court decision in *Dukes v. Wal-Mart* and held that Wal-Mart's prohibition on trial by formula was not intended to apply solely to discrimination cases but also to wage-hour cases: employers are entitled to individualized determinations of each employee's eligibility' for monetary relief.

Consequently, *Wang* should make it significantly more difficult for plaintiffs in wage-and-hour class actions to establish the 'predominance' requirement under Rule 23(b)(3) and obtain class certification.