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## Mexican Class Action Legislation Set To Take Effect in Six Months

Recently enacted legislation that will enable litigants in Mexico to pursue class actions in federal courts for a variety of claims was published today in the Federal Official Gazette, marking the start of the six-month period provided by the statute for it to take effect. The regulation, which passed the Mexican Congress on April 28, 2011, was adopted pursuant to a 2010 amendment to the Mexican Constitution.

Once the regulation becomes effective, it has the potential to affect businesses and companies in a variety of sectors. Possible claims include actions to redress harm to consumers and users of public and private goods and services, damage to the environment, and monopolistic market concentrations and practices. The legislation includes broadly defined requirements that must be satisfied in order for a claim to proceed as a class action, including that the prospective class members must be in the same common factual or legal circumstances, and that a clear relationship exist between the initiated action and the damage to the class. In addition, in order to obtain the benefit of the statute's provisions, the subject matter of the claim must be proper for class-wide disposition.

The legislation allows class claimants to obtain restitution or compensation of damages, as well as injunctive relief. Individual class members are entitled to recover their damages, and to adjudicate compensatory damages claims of each class member the regulation establishes a two-stage procedure consisting first of the class-wide trial followed by individualized proceedings. Each class member must prove causation and damages during the individualized trial phase before obtaining recovery based on the class judgment.

Further details concerning the legislation are provided in a previous Client Alert, titled, [Mexico Introduces Class Actions for Consumer, Financial Service, and Environmental Claims.](#)

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## For Additional Information

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