01-896 FORD MOTOR CO. v. MCCAULEY

Ruling below: CA 9, 264 F.3d 952.

QUESTIONS PRESENTED

I. Whether the cost to the defendant of complying with an injunction sought by a plaintiffs' class may satisfy the amount-in-controversy requirement of the diversity statute, where such compliance would cost the defendant more than the $75,000 minimum whether it covered the entire class or any single member of the class.

~~2. Whether, for purposes of applying the amount-in-controversy requirement of the diversity statute, a class action claim for punitive damages should be attributed to each member of the class as an undivided whole, or instead must be apportioned to each class member on a pro rata basis.~~

CERT. GRANTED: 2/19/02
Limited to question 1 presented by the petition.

ORDERED: 9/13/02
The parties are directed to file supplemental briefs addressing the following question: "Is there appellate jurisdiction when petitioners, as the nominally prevailing party in the district court, appeal the district court's dismissal of a complaint for lack of subject matter jurisdiction?"