

02-271 DOW CHEMICAL COMPANY v. STEPHENSON

Ruling below: CA 2, 273 F.3d 249.

QUESTIONS PRESENTED

- I. Whether absent class members are precluded from relitigating the issue of adequacy of representation through a collateral attack on a class settlement, after class members had a full opportunity to opt out, object, and appeal, and after both the trial court and the court of appeals, in the course of approving the settlement, expressly determined that the class representatives adequately represented the entire class.
2. Whether, if collateral attack is permissible, the "adequacy of representation" issue is properly determined as of the time of the original litigation or in light of events and changes in the law occurring years after the settlement has become final and all of the settlement proceeds have been disbursed.

CERT. GRANTED: 11/4/02

J. Stevens took no part.