In American Pipe and Construction Co. v. Utah, 414 U.S. 538 (1974), and Crown, Cork & Seal Co. v. Parker, 462 U.S. 345 (1983), this Court held that the "timely filing of a defective class action tolls the limitations period as to the individual claims of purported class members." Irwin v. Dep't of Veterans Affairs, 498 U.S. 89, 96 n.3 (1990) (emphasis added). In this case, two defective class actions were filed during the limitations period. Respondents, absent members of the rejected classes, filed a third class action, this time outside the limitations period. The Ninth Circuit construed American Pipe to toll the limitations period and make this third class action timely. Respondents' class complaint would have been dismissed as untimely in at least six other Circuits, which have held-as this Court recognized in Irwin and other cases-that American Pipe applies only to individual actions, not new class actions brought by previously absent class members.

The question presented is:

Whether the American Pipe rule tolls statutes of limitations to permit a previously absent class member to bring a subsequent class action outside the applicable limitations period.