

NO. 07-437

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SUPREME COURT OF APPEALS  
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BEFORE THE ARKANSAS SUPREME COURT 16 P 4: 05

LESLIE W. STEEN, CLERK

**BOYD BRYANT, ON BEHALF OF HIMSELF  
AND ALL OTHERS SIMILARLY SITUATED**

**APPELLEE**

v.

**GENERAL MOTORS CORPORATION, D/B/A  
CHEVROLET, GMC, CADILLAC, BUICK AND  
OLDSMOBILE,**

**APPELLANTS**

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**On Appeal From The Circuit Court of Miller County**

**Honorable Jim Hudson, Presiding Judge**

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Motion Of The Chamber Of Commerce Of The  
United States Of America For Permission to File Brief  
As *Amicus Curiae* In Support Of Appellants

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The Chamber of Commerce of the United States of America (“the Chamber”) hereby moves, pursuant to Arkansas Rule of the Supreme Court and Court of Appeals for the State of Arkansas 4-6(a), for leave to file the enclosed brief as *amicus curiae* in support of Appellants. In support of this motion, the Chamber states the following facts:

1. The Chamber is the world’s largest business federation, with an underlying membership of more than three million companies and professional organizations of every size, in every industry sector, and from every region of the country. The Chamber is well positioned to assist the Court in evaluating the parties’ arguments because the Chamber regularly advances the interests of its members in courts throughout the country on issues of critical concern to the business community, and has participated as *amicus curiae* in numerous cases addressing class certification. These cases include *Amchem Products, Inc. v. Windsor*, 521 U.S. 591 (1997), *State Farm Indemnity Ins. Co. v. Speroni*, 525 U.S. 922 (1998), and *Castano v. American Tobacco Co.*, 84 F.3d 134 (5th Cir. 1996).

2. The Circuit Court’s January 11, 2007 Order in this action holds that class action remedies are granted to all plaintiffs nationwide alleging fraud, warranty, and unjust enrichment claims arising from their purchase of an allegedly defective product. The Circuit Court’s Order held that choice of law need not be addressed at the class certification stage. Alternatively, the Circuit Court’s decision suggests that, even if it were to address choice of law and determine that the laws of multiple states apply to class members’ claims, such legal variations do not preclude class certification.

3. The Circuit Court’s class certification order will have far-reaching effects on companies that do business in Arkansas, many of which are members of the Chamber. Allowing

the general classwide findings reached in this case to stand will threaten the ability of Arkansas businesses to fairly defend themselves against potentially bankrupting lawsuits. It will also impose substantial costs on companies that do business in Arkansas – both in terms of increased litigation expenses and by imposing a competitive disadvantage vis-à-vis companies not subjected to the same litigation burdens. As previously noted, the Chamber is uniquely suited to assist this Court in its disposition of this case because the organization has a wealth of experience in class action litigation and the often untoward effects of mass tort litigation on business entities.

4. For the foregoing reasons, the Chamber respectfully submits that it is well-qualified to assist the Court in evaluating the arguments raised by the parties in this case regarding certification of purportedly common issues for classwide resolution in mass tort litigation.

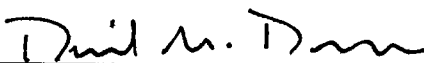
5. The proposed brief of the Chamber is tendered and submitted this date.

WHEREFORE, the Chamber of Commerce of the United States of America respectfully requests that this Court grant it leave to appear as *amicus curiae* and to file a brief in support of respondents. If granted, the Chamber requests that the Court file and consider the attached brief.

Respectfully submitted:

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By

  
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DECEMBER 11, 2011

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**CERTIFICATE OF SERVICE**

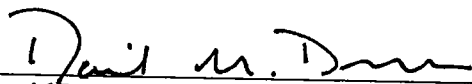
On June 15, 2007, a copy of the foregoing was served by U.S. mail on:

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