

No. 14-2892

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**UNITED STATES COURT OF APPEALS  
FOR THE EIGHTH CIRCUIT**

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**RONALD PERRAS,**

**Appellant,**

**v.**

**H&R BLOCK, INC., et al.**

**Appellees.**

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Appeal from an Order Denying Class Certification  
United States District Court for the Western District of Missouri, No. 12-450

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**MOTION OF THE CHAMBER OF COMMERCE  
OF THE UNITED STATES FOR LEAVE TO FILE  
AMICUS CURIAE BRIEF IN SUPPORT OF APPELLEES**

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Pursuant to Federal Rules of Appellate Procedure 27 and 29(b), the Chamber of Commerce of the United States (the “Chamber”) hereby moves this Court to accept the filing of the Chamber’s *amicus curiae* brief in support of Appellees, H&R Block, Inc., HRB Tax Group, Inc., and HRB Technology LLC (collectively, “H&R Block”):

1. The Chamber is the world’s largest business federation. The Chamber represents 300,000 direct members and indirectly represents the interests 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 represents the interests of its members in matters before Congress, the Executive Branch, and the courts. The Chamber regularly files *amicus curiae* briefs in important cases that implicate the orderly administration of justice in our federal system.<sup>1</sup>

2. Appellant Ronald Perras sought to certify a nationwide class of consumers that by definition excludes residents of Missouri, but argued for the application of Missouri’s consumer protection law to the claims of the entire proposed class. The trial court determined that certification of the proposed class was not appropriate because Federal Rule of Civil Procedure 23(a)(3)’s

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<sup>1</sup> The Chamber has frequently participated as *amicus curiae* in this Court. *See, e.g., In re Wholesale Grocery Prods. Antitrust Litig.*, 707 F.3d 917 (8th Cir. 2013); *E.E.O.C. v. CRST Van Expedited, Inc.*, 670 F.3d 897 (8th Cir. 2012); *Brady v. Nat’l Football League*, 644 F.3d 661 (8th Cir. 2011); *E.E.O.C. v. Allstate Ins. Co.*, 528 F.3d 1042 (8th Cir. 2008).

predominance requirement was not met. Appellant now seeks review of the trial court's order denying class certification.

3. The question raised by this case has both constitutional dimensions and important practical implications for interstate businesses, which plan their activities with the reasonable expectation that transactions will be governed by the law of a state with significant contacts with the transaction at issue. The Chamber respectfully submits that its participation here will aid the Court by providing useful legal analysis, as well as an important perspective on the significance of this case for interstate businesses.

4. The United States Supreme Court established in *Phillips Petroleum Co. v. Shutts*, 472 U.S. 797 (1985), that the relevant analysis to assure that the application of a state's law comports with constitutional due process turns on whether a state has significant contacts with the claims asserted by each member of the plaintiff class. In its proposed *amicus curiae* brief, the Chamber demonstrates that, when considering fairness, an important element of the due process inquiry is the expectations of the parties that a given state's law would apply to a dispute between them.

5. Specifically, as discussed in the proposed submission, the due process right to the predictable application of law with a significant relationship to the claims at issue is critical to businesses that operate in multiple states or nationwide.

It is also vital to ensure that consumers transacting within a single state have uniform rights regardless of the citizenship of the entity with which they are transacting.

6. Through its proposed submission, the Chamber seeks to provide a broader perspective on the impact a ruling in this case will have on interstate commerce. The Chamber's members have a direct and vital interest in the resolution of these issues. The Chamber's *amicus curiae* brief will provide insights relating to the potential impact of the Court's ruling in this case beyond the dispute between the parties now before the Court.

WHEREFORE, the Chamber of Commerce of the United States respectfully requests that the Court grant it leave to file an *amicus curiae* brief in this appeal.

December 9, 2014

Respectfully submitted,

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## **PROOF OF SERVICE**

I certify that on this 9th day of December, the foregoing Motion for Leave to File *Amicus Curiae* Brief of the Chamber of Commerce of the United States was filed electronically with the Clerk of the Court for the United States Court of Appeals for the Eighth Circuit using the Court's CM/ECF system and that service upon all counsel of record will be accomplished by the CM/ECF system.

/s/ Jennifer A. Williams  
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