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### PLEASE OPPOSE FINAL PASSAGE OF THE CLASS ACTION BILL (S 5)

10 Feb 2005

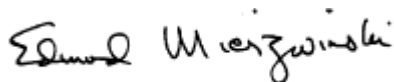
Dear Senator,

We are writing on behalf of the members of the state PIRGs to urge your strong opposition to final passage of the one-sided, business-backed class action bill, S. 5. We continue to oppose S. 5 because it makes it much more difficult for victims of consumer fraud, toxic pollution and discrimination to receive justice when corporations violate state law.

We are extremely disappointed that the Senate has failed to enact any amendments to ameliorate the bill's worst shortcomings. In particular, we are disappointed that the Senate rejected the modest procedural amendment offered by Sens. Bingaman and Feinstein that would have ensured that the legislation accomplishes its purported goal – to have multi-state class actions heard in federal court. If S. 5 passes in its current form, we are extremely concerned that it will effectively eliminate multi-state class actions involving state consumer laws. The overwhelming trend in federal courts is to deny certification in these cases. That locks the federal courthouse doors on consumers. The bill's draconian result will be especially harsh on consumers from smaller states.

Class action lawsuits in state courts have been successful in challenging many corporate abuses. Now that S. 5 is on a trajectory to pass without the Feinstein-Bingaman amendment, multi-state class actions based on state consumer laws will not be adjudicated, leaving millions of injured plaintiffs without compensation. S. 5 will close the courthouse to justice, so we strongly urge your opposition to its passage.

Sincerely,



Edmund Mierzwinski  
Consumer Program Director