

Supreme Court Declines to Apply Class Action Tolling and Upholds Dismissal of Individual Securities Cases Filed After Expiration of Statutes of Repose

June 27, 2017 | Client Update

Decision Yesterday and Two Denials of Certiorari Today Decline to Apply American Pipe Tolling to Statutes of Repose Under Both the '33 Act and '34 Act

On June 26, 2017, the United States Supreme Court decided *California Public Employees' Retirement System v. ANZ Securities, Inc.* ("CalPERS"), an important case that will provide protection and greater certainty about litigation risk to participants in securities offerings.

In *CalPERS*, the Court applied the three-year statute of repose in the Securities Act of 1933 to bar actions filed more than three years after the relevant securities offerings, including barring individual actions filed by putative class members seeking to opt-out of an otherwise timely class action.

The following day, the Supreme Court denied certiorari in *SRM Global Master Fund v. Bear Stearns Companies* (No. 16-372) and *Dusek v. JPMorgan Chase & Co.* (No. 16-389), leaving intact two Court of Appeals decisions reaching the same result as to the corresponding five-year period in the Securities Exchange Act of 1934.

If you have any questions regarding the matters covered in this publication, please reach out to any of the lawyers listed below or your usual Davis Polk contact.

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