



1           (1) Each named adverse party has been served with  
2           the pleading containing the demand for class relief or  
3           has made an appearance or, with respect to unserved  
4           defendants who have not appeared, the proponent of the  
5           class has made due and diligent effort to perfect service  
6           of the pleading; and

7           (2) Each party has had a reasonable opportunity to  
8           obtain discovery on class certification issues, on such  
9           terms and conditions as the court deems necessary.

10        (Source: P.A. 82-280.)

11           (735 ILCS 5/2-807 new)

12           Sec. 2-807. Appeal of certification order.

13           (a) A circuit court's order certifying a class or  
14           refusing to certify a class is appealable in the same manner  
15           as a final order to the Appellate Court that would otherwise  
16           have jurisdiction over the appeal from a final order in the  
17           action. The appeal must be filed within 42 days of the order  
18           certifying or refusing to certify the class. The filing of  
19           the appeal, the failure to file an appeal, or the affirmance  
20           of the certification or denial order does not affect the  
21           right of any party, after the entry of final judgment, to  
22           appeal the earlier certification of, or refusal to certify,  
23           the class.

24           (b) If the appeal is not the first appeal taken by the  
25           party, the subsequent appeal shall be based upon the record  
26           at the time of final judgment and shall be considered by the  
27           court only to the extent that either the facts or controlling  
28           law relevant to certification have changed from that which  
29           existed or controlled at the time of the earlier  
30           certification or refusal to certify. During the pendency of  
31           any such appeal, the action in the circuit court shall be  
32           stayed in all respects. Following adjudication on appeal or,  
33           if the initial appeal is to the Appellate Court, adjudication

1 of the action on any leave to appeal granted by the Illinois  
2 Supreme Court, if the class is not certified, the stay in the  
3 circuit court shall automatically dissolve and the circuit  
4 court may proceed to adjudicate any remaining individual  
5 claims or defenses. If, after the appeal, the class is  
6 certified, the stay shall be dissolved and the circuit court  
7 shall proceed with adjudication on the merits; except that  
8 the circuit court shall at all times before entry of a final  
9 order retain jurisdiction to revisit the certification issues  
10 upon motion of a party and to order decertification of the  
11 class if during the litigation of the case it is evident to  
12 the circuit court that the action is no longer reasonably  
13 maintainable as a class action under factors determined by  
14 the circuit court to be appropriate."