This paper discusses Alberta’s *Class Proceedings Act*, S.A. 2003 c. C-16.5. The Act was proclaimed in force April 1, 2004 (OC 68/2004).

**A. WHAT IS A CLASS PROCEEDING?**

In ordinary actions, one or more plaintiffs may sue one or more defendants. Each litigant is a party and is subject to the Rules of Court that govern the conduct of litigation. Each litigant actively participates in the litigation. Each must swear an Affidavit of Records. Each must submit to examinations for discovery. Each is potentially liable for costs if unsuccessful.

Class proceedings, on the other hand, are designed to gather under the umbrella of one “representative plaintiff” the claims of multiple plaintiffs who share common questions of law and fact. Only the “representative plaintiff” is a party to the action. Once the make-up of the class has been determined, the members of the class are bound by the outcome of the proceedings, even though they do not participate in the proceedings.

Under Canadian legislation, a court must “certify” a proceeding as a class proceeding before it can go forward.

A class action confers no special status on the litigants. It creates no new causes of action for the plaintiffs. It deprives the defendants of no defenses. A class action is nothing more than a procedural mechanism to deal with a multitude of claims. In *Cobbold v. Time Canada Ltd.* (1980), 109 D.L.R. 3d 611 at 634, the court said:

"It does not place any member of the class in a different position from the point of view of proving his or her case. In this respect each member of the class is in the same position as if her or she brought an action on their own."