

COMPARISON OF KEY TOOLS FOR SYSTEMIC CHALLENGES

	Relevant Statutes	Standing Issues/Public or Private Defendants	Mootness/Settlement Issues	Forum	Available Relief
Class Action	F.R.C.P. 23 Cal. C.C.P. 382 et seq.	Class representative must be personally affected, and must meet "commonality," "numerosity," "typicality" and "adequacy of representation" prongs for class certification; can proceed against government or private defendant.	As "adequate representative," class rep must pursue interests of class as well as own interests. If original class rep is no longer available, can be replaced. For injunctive relief, must have at least one class representative still affected.	Class action mechanism available in federal or state court.	Depending on underlying substantive statute, can obtain broad injunctive and/or retroactive and future monetary relief for class members.
Unfair Business Practice Suit	Cal. B&P 17200 et seq.	Plaintiff need not show that s/he personally suffered injury from unlawful business practice; can proceed against private defendant.	Unless pled and pursued as class action, individual plaintiff is in control of litigation and settlement.	State court okay; federal jurisdiction is questionable if plaintiff not personally aggrieved.	Can obtain broad "class-type" injunctive relief and restitution (but not damages), even if not pursued as a class action. Fluid recovery limited to class cases.
Taxpayer Suit	Cal. C.C.P. 526a	Generally, taxpayer plaintiff need not show that s/he is personally affected by alleged misuse of funds; action can only be brought against government defendant; sales tax may not be sufficient to confer standing.	Unless plead and pursued as class action, individual plaintiff is in control of litigation and settlement.	State court	Can obtain injunctive and declaratory relief. Retroactive relief unlikely in absence of class.
Writ	Cal. C.C.P. 1084-1097	Citizen petitioner need not show legal or special interest in result; action can only be brought against government defendant.	Sec. 1084 writs are often used in cases where you must exhaust administrative remedies. Individual plaintiffs control litigation and settlement unless class action.	State court	Can obtain injunctive and declaratory relief as well as writ (order compelling government performance). Questionable retroactive relief in absence of class.