

SUPREME COURT OF LOUISIANA

No.98-C-0551

MAJOR BANKS, ET AL.

Versus

NEW YORK LIFE INSURANCE COMPANY, ET AL.

ON WRIT OF CERTIORARI TO THE COURT OF APPEAL, FIRST CIRCUIT,  
PARISH OF POINT COUPEE

**Marcus**, Justice (dissenting)

I disagree with the majority that plaintiff met the "commonality" requirement in this case. The class members were not injured by the same conduct. As the majority noted, the representatives here alleged seven counts of wrongdoing on the part of the sales agents of New York Life during a period of twelve years, including misrepresentation, failure to disclose information, and improper "churning" or internal replacement of policies. Therefore, I do not believe that this action is appropriate for class certification. Accordingly, I respectfully dissent.