

Class Actions in Chile: Are they an efficient tool to grant access to justice?

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1) Introduction

Before Law 19955 was enacted¹ (July 14th, 2004), there was no class action system in Chile and therefore collective or diffuse interests had no adequate protection. There was only the traditional individual process which allows for the joinder of other actions through a complex and very cumbersome procedure. This law brought in class-action suits into consumer protection legislation precisely to protect those interests. Class-action suits are, for that reason, somewhat of an exception in our legal system, contemplated in consumer protection legislation and limited to consumer relationships only.

2) What option did the Chilean Congress choose on enacting the class action law?

- a) **Restrictive class action system.** With Law 19955, Chile adopted a restrictive class action system, as evidenced in the following mechanisms or restrictions introduced by the new law:
 - i) **It only covers disputes arising from consumer relationships.** The Class Action system only seeks to protect consumers from disputes arising from consumer relationships (a broad concept).
 - (1) In other words, the law assumes the existence of a consumer relationship and a breach of the law (or consumer contract).
 - (2) Class actions must demand any of the following: punish the violation of the consumer protection law; enforce the unconscionability doctrine; order specific performance of the consumer contract; order the suspension of acts that affect consumer rights; and finally, order the payment of damages, remedies and fines.²
 - (3) This system is not made extensive to other type of situations that would warrant a class action system, such as mass tort class actions, securities class action litigation, etc.
 - ii) **It establishes limited plaintiff standing to bring class action.** To stop a flood of class actions, the law is very restrictive as to plaintiff standing.
 - (1) Class actions may only be brought by the **National Consumer Service** (government agency in charge of defending consumer rights), a **Consumers' Association** (NGO that advocates and defends consumer rights) or **groups of 50 or more consumers**.

¹ The Law came into force in 2005.

² Article 50 (2) of Law 19496 on the protection of consumer rights.

- iii) **It excludes pain & suffering and punitive damages.** Unlike US legislation, the Chilean system does not recognize punitive damages. Damages may only be compensatory, never of a punitive, penalizing, exemplifying or deterrent nature.
- (1) Following this premise, the law in question not only excluded punitive damages but also pain & suffering, because this is indeterminate and varies from person to person and is not uniform for the entire class.³
 - (2) Moreover, since lawmakers foresaw that pain & suffering –given its uncertainty and the lack of objective criteria to determine it- could assume the role of punitive damages, opted outright to exclude it. Nevertheless, in an individual suit and after fulfilling the other legal requirements, affected consumers may file for pain & suffering.
 - (3) **Cumulative or Single Fines.** An interesting point that could affect the overall Chilean system by bringing it closer to or making it resemble more the US system, is the interpretation likely to be given to the rules that determine fines, which must be imposed on the defendant. In fact, the consumer class action system may be defined as a hybrid, because it is a forum to resolve, in addition to civil contractual liabilities, administrative liabilities for regulatory offenses, i.e. beyond compensatory damages, the court must impose fines ranging from US\$3,000 to US\$44,000.
 - (a) The rule on these fines does not provide whether the fine considers “the entire class as a single offense” (one fine for the entire process as a whole) or if cumulative fines must be imposed for “each individual offense.”
 - (b) The difference in interpretation could comprehensively alter the legal and economic landscape because an appealing market could arise for insuring payment of those fines and, on the other hand, it could create interesting monetary vistas for lawyers, since the fine could be taken in part as a parameter to calculate legal fees.
 - (c) The position that understands that the fine is “unique” or uniform for the entire process interprets the law literally, but this argumentation is focused on the intent to protect a legal right, i.e. the principle of criminal typification (since the rule would be part of the penalizing administrative legislation), in particular understanding that there is only one violation of the law even though its consequences are manifold, as a result of the existence of class consumers.
 - (d) The other position in this regard is advocated by the government agency (SERNAC) as well as by consumer associations, which demand payment of cumulative fines. The legal interpretation of the government agency is not binding on the courts.⁴
 - (e) The courts of law have not made a decision on this issue. An actual interpretation is necessary to clarify and dispel doubts on this point.

³ Article 51(2): “Damages awarded in this procedure shall not be made extensive to pain & suffering sustained by the plaintiff.”

⁴ See class action brought before the 27th Civil Court of Santiago by the National Consumer Service against a merchant establishment due to excessive interest charges. Docket Nr. 8544-05.

- b) **The court's particular control over class actions.** The law grants the class action judge several faculties and prerogatives to supervise the parties' defense, substantiate the action and prevent frivolous litigation likely to distort the system.
- i) **Prior declaration of admissibility.** As in the case of Rule 23 of the Federal Rules of Civil Procedure, the class action judge must certify or verify that the action is admissible, for which the following elements must be analyzed, namely: **a)** that it was brought by the relevant party (plaintiff standing); **b)** that the prosecuted behavior affects consumers' collective or diffuse interest; **c)** that the action brought must state the facts and rights affected; and **d)** that the potential number of affected individuals justifies, from a cost/benefit perspective, the procedural or economic need to substantiate the suit according to the class action procedure.
 - ii) **Control over legal defense.** The judge also has the special authority to revoke the class counsel's representation when deemed unfit for the adequate protection of consumer rights. Likewise, the judge may order the designation of common counsel for all class plaintiffs.⁵
 - iii) **Penalties for reckless litigation.** To prevent frivolous or groundless litigation, Chilean law grants the judge the authority to declare a class action as reckless, whereby, once the other statutory requirements are met, could entail the following sanctions:⁶
 - (1) Payment of a fine of up to 200 U.T.M. (equivalent to US\$11,600 approx.).
 - (2) Sanction the lawyer with a verbal reprimand, payment of a fine of up to 4 UTM (US\$230 approx.), and exceptionally up to 4 days' arrest.
 - (3) Enforce civil and criminal liabilities of the parties found guilty of the damages.
 - (4) Directors will be personally liable for the fines and penalties imposed on the association for acts deemed reckless by the judge, when conducted without the prior agreement of the governing body.⁷
 - (5) Finally, and exceptionally, order the dissolution of the association when it files 2 or more suits judicially qualified as reckless over a period of 3 years.⁸
 - iv) **Court approval of any act that terminates the class action.** The law has given the class action judge the special authority to reject any compromise, settlement or reconciliation that ends the action. If the plaintiff drops the suit, the judge must advise the government agency to decide whether it joins the suit and continues litigation or not.
 - v) **Regulated fees for common counsel.** Finally, the class action judge must regulate the fees charged by the class counsel considering the economic position of the plaintiffs and the amount claimed. It follows that regulation must be proportional to the amount claimed, to which end all damage claims, remedies and fines must be taken into consideration by the judge. Note that the defendant's economic position is irrelevant for this purpose.

⁵ Article 51 Nr. 7 of the law.

⁶ Article 50 E of the law.

⁷ Article 11 of the law.

⁸ Article 7 of the law.

- vi) **Reservation of action by individual consumers.** Following contemporary trends in the United States, the new law authorizes individual consumers to reserve actions, something similar but not identical to the “opt-out” right in US law.
- (1) The new law allows consumer-plaintiffs, within 30 days from publication of the notice under article 53, to reserve actions and thus escape from the erga omnes effects of the process, being able to sue on their own.
 - (2) Thus, individual consumers, once the class action is declared admissible, are given the chance to reserve their actions.
 - (3) This reserve of actions is logical with regard to individual consumers, since they are acknowledged their rights to filing individual suits for damages against the defendant, when the plaintiff believes he will defend his own interests more efficiently. They are therefore allowed to escape the absolute effects of the class action ruling.
- vii) **New attempts to bring class action by an eligible plaintiff once dismissed.** This is a novel tool contemplated by the law and which, depending on its application, could even affect the traditional *res judicata* effects.
- (1) The law authorizes any of the eligible plaintiffs to file a new class action with the same court that first heard the case, based on a new set of circumstances.⁹
 - (2) The sense of this rule is not evident, since the draft bill submitted by the executive branch differs from the law. According to article 53G of the draft bill, a class action could be filed once again but only if the suit had been dismissed for insufficient evidence, in which case another eligible plaintiff who had not been a party to the original litigation was authorized to bring another suit, on identical grounds, resorting to new evidence.
 - (3) The passed bill refers only to a “new set of circumstances,” and it could therefore be construed to have an even broader import. Moreover, lawmakers did not define what should be understood as a “new set of circumstances”, but it makes clear that the Court that hears the new action must qualify and state them in the admissibility procedure. The issues to be solved are manifold, as apparent, for example, if evidence that was in the possession of the common counsel but ultimately not submitted during the case in which the action was brought, could qualify as a “new set of circumstances.”
 - (4) In any case, this right to re-file the class action on the part of eligible plaintiffs is contrary to the internal logic of class actions. The basis for class actions is to subsume, in one and the same process, all class claims due to procedural economy and efficiency considerations. This opt-out from the absolute result of the class action ruling in practice means ignoring that principle and, besides, undermine all incentives to settle or compromise in this type of cases, since even if the action is dismissed, the risk of new litigation based on the same facts would remain latent.
- viii) It is therefore desirable to amend the law to return to the original sense of class actions, i.e. that individual consumers may opt out only when they

⁹ Article 54 of the Law.

consider that the settlement or legal defense is not fair or adequate, and always under the supervision of the judge (with his approval) to prevent class actions from becoming legal blackmail.

3) Chilean Class Action experiences

- a) **Fledgling class action litigation.** Even though this law came into force in 2005, more than 14 actions were brought, all based on consumer relationships, claiming several breaches by service providers, waterworks utilities, public enterprises, among others.
- i) Thus, class actions have been filed for excessive interest charges against merchants,¹⁰ others for unscheduled payments against a bank¹¹ and another against a cable services provider¹², yet another claiming several defects in housing constructions,¹³ another claiming deficient mobile telephony services,¹⁴ others claiming improper charges against waterworks companies,¹⁵ and finally another for deceitful advertising against the Santiago Subway System.¹⁶
 - ii) The above means that this legal novelty has not gone unnoticed by legal service providers, and in our opinion there is a tendency toward more frequent use of this type of action.
- b) **The Courts have not issued final rulings in class actions.** In fact, the courts have yet to rule on the merits of class actions and, certainly, they have still not determined damages, granted remedies or mitigation measures in favor of consumers or imposed fines on the offenders.
- i) Generally, the class actions brought to date have been declared admissible by the trial courts. On this regard, there is no knowledge about the rule that admissibility plays in this type of actions at the trial level, and therefore judges, when in doubt, choose to declare them admissible and examine the merits of the case during its substantiation, with all the consequences this might entail. Nevertheless, the Court of Appeals, the hierarchic superior of these judges, has declared only one class action inadmissible to date.
 - ii) In fact, to date, only one class action has been declared inadmissible because it was filed beyond the purpose and object of a consumer association (*ultra vires*).¹⁷
 - iii) In another case, the government agency brought a class action in favor of the collective interests of cash loan consumers against several merchants. Finally, this class action was settled, which appears to be setting a trend by that agency

¹⁰ Sernac vs. several commercial establishments.

¹¹ Conadecus vs. BancoEstado.

¹² Anadeus vs. VTR.

¹³ Odecu vs. Serviu.

¹⁴ Corporación Justicia et al. vs. Movistar.

¹⁵ Conadecus vs. Aguas Nuevo Sur del Maule S.A.

¹⁶ ODECU vs. Empresa de Transporte de Pasajeros METRO S.A.

¹⁷ Anadeus vs. VTR. We attach a copy of the trial court's ruling that declared the action admissible, and that of the appellate court that declared it inadmissible.

toward settling or facilitating an agreement between consumers and defendants, something that could be beneficial for all parties involved since this entity is the one technically in charge of protecting consumers.

- c) **Uncertain judicial future.** In general, it is safe to state that the courts have no experience in this matter, something that can have consequences not only on the institutional framework of class actions general, but also on the market in which they evolve.
- i) In fact, something as basic as rewards (the fee thresholds of plaintiffs' counsel) has still not been defined by law,¹⁸ which is certainly capable of affecting the monetary incentives of the legal market in terms of investing time and money in investigating and later litigating class actions. Handsome monetary rewards for common counsel are a strong motivation for litigating class actions; conversely, an uncertain fee scenario could make this type of actions less appealing.
 - ii) On this issue, it should be noted that Chilean judges are rather restrained when determining the costs of the process, i.e. procedural and personal costs are not high and totally not in tune with the real cost of attorney's fees. Only exceptionally, under special circumstances, judges set amounts relatively proportional to the actual cost of the service provided by the attorney.
 - iii) Uncertainty as to amounts, potential adverse outcomes and the imposition of fines have all affected the insurance market in the sense that this risk is still not insurable by the insurance industry.
 - iv) **The effect of doubts in case law and legal theory as to the fine system.** If each individual breach is deemed worthy of being imposed an individual fine, this could on the ground imply a system of punitive damages, since the company being sued could be forced to pay a fine for each breach and not for the action as a whole. This could force the defendant to file for insolvency or bankruptcy, as has been the case with some US companies. The sooner this point is clarified the better, since, otherwise, this would likely not only affect the life of the companies in question but, in the long run, it could even entail transferring the costs of this litigation to consumers -i.e. companies would seek out insurance to cover this risk, the greater cost of which would be included in the tag for the good or service offered to consumers. This would ultimately be detrimental to the market in general as the risk would be shouldered by the end consumer.

4) Who are the real winners in class actions?

- a) Much has been debated about who the real beneficiaries or winners of class actions are.
- b) In the United States of America, it is generally held that the real winners in this system are the attorneys, who have earned –in some cases- close to 3 billion dollars (Florida, Texas), which has spawned an interesting industry of class action litigation, since fees are in proportion to the amount recovered by the class. Some

¹⁸ Article 51(7) of the law.

- authors have even held that attorneys have become somewhat of “Class Action cops”¹⁹.
- c) But in Chile it is way too early to determine who will be the real winner or beneficiary of class actions. Due to some elements of the institutional structure, direct monetary incentives are not the main motivating factor in bringing class actions, i.e. no pain & suffering or punitive damages, uncertainty with regard to the amount of fines (cumulative or lump-sum) or the lack of legal parameters and court experience in setting the fees for class counsel.
 - d) Incentives are more along the lines of the better reputation and free advertising the plaintiff counsel will gain by bringing a class action.
 - e) Some elements that account for how the system is built are the following:
 - i) This puts huge limitations on the disputes that may be referred to this type of procedure, i.e. only in consumer relationships. Therefore, the entire legal industry of mass tort class actions, securities class action litigation, etc, is cut off the system.
 - ii) The damages covered by class actions have also been curtailed. They expressly exclude pain & suffering and punitive damages, and the sanction may only be made extensive to monetary and material damages.
 - iii) Chilean judges are reluctant to set high legal costs or fees for attorneys who obtain a favorable ruling. Hence, this important economic incentive to sue simply doesn't exist.
 - f) Interestingly, there is a certain trend in which groups with political aspirations have brought class actions, with adequate counsel, thereby seeking to identify themselves with consumers through the mass media. Therefore, in addition to the attorneys who handle the case, some groups have sought and will continue seeking better popularity and reputation as “heroes” by tackling Big Business in a David-and-Goliath battle.²⁰

5) Effects of class actions?

- a) **Legal and procedural effects of class actions in the Chilean system.**
 - i) From a legal standpoint, the class action system created by law 19955 has filled a vacuum in our national legislation.
 - ii) Until 2004, there were no viable legal options to solve jurisdictional disputes with as many parties as are prevalent in class actions. This was only possible through a cumbersome system of joinders which in practice made it impossible to litigate mass issues that affected a class uniformly.
 - iii) Since the law was enacted, there is now the possibility to represent and defend collective, diffuse interests through the class action system, thereby offering a concrete and modern solution to disputes that affect class members uniformly.
 - iv) In fact, the law has created disclosure mechanisms to inform consumers on the exercise of class actions, it allows for the joinder of other actions based on the same set of facts, and it creates an *erga omnes* effect for the proceedings

¹⁹ John BEISNER et al.: *Class actions “Cops”: Public servants or private entrepreneurs*. Stanford Law Review, April 2005.

²⁰ See the action brought against Movistar, signed by congressmen of the Christian Democrat Party.

resulting from the class action. It thus allows for the legal protection and resolution of problems typical of mass consumption societies and, on the other hand, it serves as a deterrent against mass commercial practices that cause minimal damage to consumers but which were previously impossible to investigate or legally remedy because the consumer's litigation cost was higher than the benefit that the process could ultimately bring to him.

- v) Nevertheless, we have already noted that this effect dissipates when, if the class action is dismissed, another eligible plaintiff is allowed to bring the class action once again before the same court. It seems that the legal solution should be to eliminate that prerogative and give the judge added power to replace class counsel if said legal representation is found to be affecting the outcome and substantiation of the case. As mentioned, this opt-out alternative discourages and bogs down the negotiation processes that should be the main avenue for ending these actions, as has been the case in the United States of America. This escape route does away with the pacifying effects of *res judicata*.
- b) **Effects on the role of corporate counsel.**
 - i) Prior to litigation, attorneys should forestall any class action by exhaustively analyzing the contracts and business practices of potential defendants. The greatest damage wrought on companies involved in this type of litigation is the bad press generated by class actions since the media tend to side with consumers, not with the providers of consumption goods and services, especially when groups of different political orientations support this type of actions.
 - ii) Once class action litigation begins, corporate counsel must start defending the defendant company. The first resort is to file a petition to have the court declare the action inadmissible.
- c) **Effects on the legal services market**
 - i) Class action as a field of expertise and law firms focused on consumer protection whistle-blowing have still not emerged. What is in fact seen are groups of lawyers who represent these actions for purposes of publicity, joined by various different groups vying for public approval.
 - ii) A key element in defining the projections of the legal market is the court regulation of class counsel fees. As mentioned, judges in Chile are reluctant to set fees in proportion to the work done by attorneys. This is usually because, together with personal expenses, there exists a legal retainer agreement, but – obviously- this is not the case in class actions because, most of the time, attorneys will not have a direct contractual relationship with the anonymous customer or consumer represented in the class action.
 - iii) In this sense, it would be positive that the market adequately value professional fees to encourage good lawyers to litigate this type of actions, which would improve the defense of consumer interests, especially so when it is evident that the government agency lacks sufficient resources to conduct the necessary technical studies to bring this type of actions.

6) Class Actions as a tool to allow people to access to justice

Analyzing the general panorama of class actions filed in the last five years, it is possible to divide the defendants into five categories: (i) Retail, with the 25% of the claims; (ii) Bank, also with the 25% of the claims; (iii) Supplier companies -such as water and telephone-, with the 20%; (iv) Transportation companies, with the 15%; and (v) Others, with the remaining 15% of the total number of class actions filed.

The plaintiffs, on the other hand, are divided rather equitably between the National Consumer Service (a 32.5% of the times), other Consumers' Associations, i.e. Odecu or Conadecus (a 32.5% of the times) and groups of 50 or more consumers (a 35% of the times).

Currently, regarding the class actions control, even though two thirds of those of which their admissibility was examined were declared in fact admissible, less than half of them have come to an ending.²¹

Also, it is possible to notice that while in the period 2004-2006, 28 class actions were filed, during the period 2007-2008 this number was reduced to 14. And while of all 28 of the claims filed in the years 2004-2006, 23 were brought by Sernac or by other Consumers' Associations, in 2007 and 2008 together, only 4 of the 14 class actions filed were brought by these entities, leaving practically the totality of the claims in the hands of groups of consumers, who have much less weight and resources.

From the analysis of this information comes off that even though class actions had a peak when Law 19955 was enacted (July, 2004), they have been decreasing from then on. Some of the reasons that may explain this phenomenon are the following:

- a) **The proceedings are very slow.** Although they were born as summary proceedings, due to the Chilean legal culture, they have turned into long term ones.
- b) **Admissibility exam as a hard barrier.** The admissibility exam is not only slow, but a difficult barrier to pass through. A 20% of the class actions filed was declared inadmissible in first instance, and in every Appeal Remedy filed against this declaration, this decision was confirmed.
- c) **Weakness of the plaintiffs.** Both Consumers' Associations and especially groups of 50 or more consumers, are in a very weak position comparing to their counterpart, that are in general big companies. Sernac may be considered as an exception to this weaker position.
- d) **Preventive measures: The companies have made a real effort to create and maintain effective consumers' service centers.** This may be placed in the context of the culture of prevention, where the idea of acting with foresight, preventing the conflicts in order to avoid the entrance to trial, prevails. In businesses such as the retail, the bank and the supplier companies, they have

²¹ Of all 42 class actions already filed, 28 finished their admissibility exam, 20 of them were declared admissible, but only 7 have come to an ending. (See Annex 1).

become aware of the importance of concerning about their costumers, avoiding the entrance to trial by solving many of the conflicts through this channel. This is, really, an efficient way to maintain inactive or to win the inadmissibility of the trials, offering the client service as a solution. The damage that a class action may produce to a company, not only because of eventual fines, but because of the image damage that the company suffers, is also an effective incentive to build stronger client service areas, with higher standards.

Concluding, the class action system in Chile is in a consolidation process, and the initial boom of the first years has paused. Just 5 years have passed since Law 19955 was enacted and few claims have been filed. Therefore, it is still difficult to know if the class action system is in fact an efficient tool to allow people to access to justice; nevertheless, already certain obstacles are observed that could obstruct the class action mechanism to be an efficient one in cases of collective interest. Hence, only time will tell.

CLASS ACTIONS FILED IN CHILE SINCE 2004

	Parts	Admissibility exam	Court of Appeals	Supreme Court	Current State
1	Asociacion De Consumidores De Tarapacá vs. Universidad Del Mar	Admissible			In trial.
2	Sernac vs. ABC	Inadmissible	Appeal Remedy		Pending the Appeal Remedy.
3	Sernac vs. DIN (COFISA)				Pending the Admissibility Exam.
4	Sernac vs. Masterclub				Pending the Admissibility Exam.
5	Sernac vs. Cencosud	Admissible	Appeal Remedy (affirmed)	Annulment Remedy (affirmed)	In trial.
6	Sernac vs. Air Madrid	Admissible			In trial.
7	Conadecus vs. Banco Estado	Admissible	Appeal Remedy (affirmed)		In trial.
8	Cavada Villarroel y otros vs. Metro S.A.	Inadmissible	Appeal Remedy (affirmed)		Declared inadmissible. A new class action was presented on June 11th, 2008. The plaintiff is now the Asociación de Consumidores y Usuarios de Chile.
9	Asociación de Consumidores y Usuarios de Chile con Metro S.A.				Pending the Admissibility Exam.
10	Ocu vs. Telefónica CTC	Inadmissible	Appeal Remedy (affirmed)		Declared inadmissible.
11	Jaime Mulet y otros vs. Movistar	Admissible	Appeal Remedy (revoked)	Annulment Remedy	Pending the Annulment Remedy
12	Escobar Rivera y otros vs. Essbio	Admissible	Appeal Remedy (affirmed)		In trial.
13	Odecu vs. BancoEstado	Inadmissible			Declared inadmissible.

					The Court declared abandoned the procedure because of lack of actions of the plaintiff. An Appeal Remedy was filed, in order to revoke this resolution.
14	Odecu vs. BBVA		Appeal Remedy		
15	Odecu vs. Serviu	Admissible			In trial.
16	Crisóstomo vs. Utem	Admissible			In trial.
17	Crisóstomo vs. Utem	Admissible	Appeal Remedy (affirmed)		In trial.
18	Fuentes vs. Inmobiliaria Viña Occidente S.A	Admissible	Appeal Remedy (affirmed)	Annulment Remedy (affirmed)	In trial.
19	Sernac vs. Inmobiliaria Las Encinas de Peñalolén				Pending the Admissibility Exam.
20	Gallardo Toledo Maritza Elizabeth vs. Propam Ltda y Otra				Pending the Admissibility Exam.
21	Conadecus vs. Aguas Nuevo Sur Maule	Admissible	Appeal Remedy		Pending the Appeal Remedy.
22	Arredondo vs. Telefónica CTC	Inadmissible			Declared inadmissible.
23	Faúndez vs. Telefónica CTC				The claim was archived for lack of actions of the claimant.
24	Odecu vs. Corpbanca	Admissible			In trial.
25	Odecu vs. BCI				Pending the Admissibility Exam.
26	Odecu vs. Banco de Chile	Inadmissible	Appeal Remedy (affirmed)	Annulment Remedy	Pending the Annulment Remedy
27	Odecu vs. Banco Santander				Pending the Admissibility Exam.
28	Odecu vs. Bankboston	Inadmissible	Appeal Remedy (affirmed)	Annulment Remedy	Pending the Annulment Remedy
29	Conadecus vs. Aguas Araucanía				Pending the Admissibility Exam.

30	Hasbún vs. Concesionaria Vespucio Norte Express, Concesionaria Autopista Vespucio Sur y Concesionaria Costanera Norte				
31	Villarroel vs. Concesionaria Costanera Norte y Concesionaria Autopista Vespucio Sur	Inadmissible			Declared inadmissible.
32	Lagos vs. Metro, AFT y empresas de transporte operadoras del sistema Transantiago				Pending the Admissibility Exam.
33	Godoy vs. Ministerio de Transportes				Pending the Admissibility Exam.
34	Gustavo Hasbún con Aguas Andinas				Pending the Admissibility Exam.
35	Dutrey vs. Utem	Admissible	Appeal Remedy		Pending the Appeal Remedy.
36	Sernac vs. Paris	Admissible			Finished by agreement approved by the Court on May 24th, 2006.
37	Sernac vs. Ripley	Admissible			Finished by agreement approved by the Court on March 2nd, 2006.
38	Sernac vs. Johnson's	Admissible			Finished by agreement approved by the Court on May 3rd, 2006.
39	Sernac vs. Corona	Admissible			Finished by agreement approved by the Court on March 6th, 2006.
40	Sernac vs. DIN	Admissible			Finished by agreement approved by the Court on March 9th, 2006.

41	Sernac vs. La Polar	Admissible			Finished by agreement approved by the Court on January 31st, 2006.
42	Sernac vs. ABC	Admissible			Finished by agreement approved by the Court on March 7th, 2006.

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