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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION

GENEVIVE LA COURT; DEIRDRE HARRIS; CAHILL HOOKER; BILL LATHROP; JUDY STOUGH; and E.H., a minor, by and through her parent, JEFF HALL; individually, on behalf of themselves and others similarly situated,

Plaintiffs,

v.

SPECIFIC MEDIA, INC., a Delaware Corporation,

Defendant.

Case No. 8:10-cv-01256-GW (JCGx)

**[PROPOSED] ORDER TO CONSOLIDATE AND CREATE ORGANIZATIONAL STRUCTURE FOR COUNSEL**

Honorable George H. Wu

1 Pursuant to the stipulation between and among the parties, and good  
2 cause appearing therefor, the Court orders as follows:

3 **I. CONSOLIDATION AND TREATMENT OF SUBSEQUENT ACTIONS**

4 1. The Court finds that *Genevive La Court, et al. v. Specific Media, Inc.*,  
5 Case No. 8:10-cv-01256-GW (JCGx) (C.D. Cal. filed Aug. 19, 2010) and *Kaufman v.*  
6 *SpecificMedia, Inc.*, Case No. 8:10-cv-01891-JVS (RNBx) (C.D. Cal. filed Dec. 13,  
7 2010) are related actions, the *Kaufman* action is hereby transferred to this Court, and  
8 both actions are hereby consolidated into *Genevive La Court, et al. v. Specific*  
9 *Media, Inc.*, Case No. 8:10-cv-01256-GW (JCGx), and are referred to herein as the  
10 Consolidated Action. Each document filed by a party to this litigation shall bear the  
11 following caption:

12 \_\_\_\_\_  
13 In Re Specific Media Flash Cookie Litig. No. 8:10-cv-01256-GW (JCGx)  
14 \_\_\_\_\_

15 2. The terms of this Order shall apply to actions instituted in, removed  
16 to, or transferred to this Court that name Specific Media, Inc. as a defendant and that  
17 involve the same or substantially similar issues of law and fact, which shall be  
18 consolidated into the Consolidated Action, unless a party in such newly-filed or  
19 transferred action objects to consolidation, as provided for herein, or any provision of  
20 this Order, within ten (10) days after the date upon which a copy of this Order is  
21 served on counsel for such party, by filing an application for relief and this Court  
22 deems it appropriate to grant such application.

23 3. Counsel shall call to the attention of the Court and the Clerk the  
24 filing or transfer of any case that might properly be consolidated with the  
25 Consolidated Action. Mailing or other delivery of a copy of this Order by Defendant  
26 Specific Media, Inc.'s ("Specific Media" or "Defendant") counsel or Plaintiffs' Counsel  
27 (see II., below), as appropriate, to the counsel in any newly filed or transferred actions  
28

1 shall constitute valid notice thereof for purposes of establishing its applicability to such  
2 action in accordance herewith.

3 4. Interim Class Counsel shall file a Consolidated Amended Complaint by  
4 January 7, 2011. Specific Media shall not be required to respond to any currently filed  
5 complaint in the Actions.

6 5. Specific Media shall answer or move against the Consolidated  
7 Amended Complaint within thirty (30) days after the filing of such Consolidated  
8 Amended Complaint.

9 6. Specific Media and Plaintiffs shall serve their Initial Disclosures  
10 within fourteen (14) days of the filing of Specific Media's answer or responsive  
11 pleading to the Consolidated Amended Complaint.

## 12 **II. ORGANIZATION OF PLAINTIFFS' COUNSEL**

13 1. Under Federal Rule of Civil Procedure 23(g)(2), inter alia, Interim  
14 Class Counsel shall be Scott A. Kamber of KamberLaw, LLC and David C. Parisi of  
15 Parisi & Havens LLP. Interim Class Counsel, acting on behalf of Plaintiffs, shall have  
16 the duties as set forth in the Manual for Complex Litigation, 3rd ed., including the  
17 following:

18 a. To coordinate all proceedings, including preparing,  
19 structuring, and presenting pretrial and other management-related orders;

20 b. To encourage full cooperation and efficiency among all  
21 counsel;

22 c. To create any necessary committees and appoint committee  
23 chairs and otherwise delegate responsibilities for specific tasks in a  
24 manner to assure that pretrial and trial preparation is conducted effectively,  
25 efficiently, and economically;

26 d. To delegate work responsibilities and monitor the activities of  
27 counsel to ensure that schedules are met and unnecessary expenditures of  
28 time and expense are avoided;

- e. To act as spokespersons at all court conferences;
- f. To call meetings of themselves and/or other counsel as appropriate or necessary from time to time;
- g. To initiate and conduct settlement negotiations with counsel for the Defendant;
- h. To determine Plaintiffs' position on all matters arising during this litigation (after such consultation with other counsel as they deem appropriate) and present such position orally and/or in writing to the Court and opposing parties;
- i. To consult with and employ experts, as necessary;
- j. To initiate, coordinate and conduct discovery;
- k. To represent Plaintiffs at trial and on any appeal of this matter;
- l. To negotiate and execute agreements with local counsel or other cooperating attorneys;
- m. To determine the fee that local counsel and liaison counsel are entitled to; and
- n. To perform such other duties as are necessary in connection with the prosecution of this litigation.

2. Interim Class Counsel shall be the contact between Plaintiffs' counsel and Defendant's counsel as well as the spokespersons for Plaintiffs' counsel. All agreements reached with Interim Class Counsel shall be binding on all other Plaintiffs' counsel in the Consolidated Action.

3. Interim Class Counsel are hereby designated as the counsel for Plaintiffs in the Consolidated Action upon whom all notices, orders, pleadings, motions, discovery, and memoranda relating to the Consolidated Action shall be served, and Defendant shall effect service of papers on Plaintiffs in the consolidated Action by serving Interim Class Counsel.

1           4.     No motion or request for discovery shall be served or filed by  
2 Plaintiffs, or other pretrial proceedings initiated by Plaintiffs, except by or with  
3 the authorization of Interim Class Counsel.

4           5.     The organization structure set forth in this section applies to all Plaintiffs’  
5 counsel in the Consolidated Action, including any action subsequently governed  
6 by this Order.

7           6.     No communications among Plaintiffs’ counsel shall be taken as a  
8 waiver of any privilege or protection to which they would otherwise be entitled.

9           **IT IS SO ORDERED.**

10  
11 Dated: December \_\_, 2010

\_\_\_\_\_  
The Honorable George H. Wu  
Judge of the United States District Court