

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

CATALINA ROBLES, et al,)
)
 Plaintiffs,)
)
 v.)
)
 SUNVIEW VINEYARDS OF)
 CALIFORNIA, INC.,)
)
 Defendant.)
 _____)

CIV-F-06-0288 AWI SMS
ORDER RE: APPOINTMENT OF
INTERIM CLASS COUNSEL AND
CONSOLIDATION OF CASES

Upon review of the various Plaintiffs’ Joint Stipulation re: Appointment of Lead Counsel the Court finds that good cause exists to GRANT the Stipulation. IT IS HEREBY ORDERED THAT:

1. The following are appointed as Co-Lead Counsel:
(1) Law Office of Mallison & Martinez; and
(2) McNicholas & McNicholas, LLP
2. The following are appointed as members of the Executive Committee:
(1) Bush, Gottlieb, Singer, Lopez, Kohanski, Adelstein, Dickinson;
(2) Kingsley & Kingsley, APC;
(3) Law Offices of Marcos Camacho;
(4) Milberg, LLP; and
(5) Weinberg, Roger & Rosenfeld.
3. The following are appointed as Co-Chairs of the Executive Committee:

1 (1) Kingsley & Kingsley, APC; and

2 (2) Milberg, LLP.

3 4. Co-Lead Counsel: Co-Lead Counsel shall have day-to-day responsibility for the conduct
4 of the consolidated litigation; shall determine how to prosecute the case and shall initiate,
5 coordinate and supervise the efforts of plaintiffs' counsel in the consolidated action in the areas
6 of discovery, briefing, trial and settlement. Co-Lead Counsel shall also be deemed to be members
7 of the Executive Committee. Co-Lead Counsel shall designate responsibilities for specific tasks
8 to plaintiffs' counsel in the consolidated cases in a manner to assure that pretrial preparation is
9 conducted effectively, efficiently and economically; shall assist the Executive Committee and its
10 co-chairs in maintaining communication among counsel; and shall monitor the activities of
11 plaintiffs' counsel to assure that schedules are met and unnecessary expenditures of time and
12 money are avoided. Co-Lead Counsel shall maintain the official service list of all plaintiffs and
13 plaintiffs' counsel in the Consolidated Actions, including their addresses. Co-Lead Counsel shall
14 perform whatever any additional functions that may be assigned to them by the Court.

15 Agreements reached between defendant and Co-Lead Counsel are binding on all plaintiffs and
16 their counsel. No discovery shall be served, and no motion shall be filed, by any plaintiff's
17 counsel without the consent of Co-Lead Counsel, unless leave of Court is obtained.

18 5. Executive Committee. To the extent delegated by Co-Lead Counsel, members of the
19 Executive Committee and its Chair shall execute the orders of the Court concerning the conduct
20 of the litigation; formulate and draft material for plaintiffs in the Consolidated Actions, including
21 interrogatories, document requests, pleadings, briefs and motion papers; and perform such other
22 tasks as are delegated by Co-Lead Counsel, including, for example, the taking of depositions
23 upon oral examination. Co-Lead Counsel and the Executive Committee members may organize
24 whatever subordinate bodies or subcommittees they deem expedient, such as discovery
25 committees and briefing committees.

26 6. Co-Chair of the Executive Committee. The Co-Chairs of the Executive Committee shall
27 be responsible for overseeing the work of that Committee, and coordinating the assignments
28 established by the Co-Leads. In matters requiring an decision by the Executive Committee, each

1 Co-Chair will have one vote and there will be no other votes except the co-leads. At both of the
2 Co-Leads' invitation, the Co-Chairs may participate in the conferences and planning meetings
3 conducted by Co-Leads.

4 7. Service of all papers filed with the Court shall be accomplished by e-filing, and no other
5 type of service shall be required. Service of all papers that are not filed with the Court shall be
6 accomplished by plaintiffs serving defendants' counsel, as applicable, by either: (i) overnight
7 mail service; (ii) telecopier or (iii) hand delivery. Whenever feasible, the serving party shall send
8 courtesy copies simultaneously via e-mail in PDF format, to defendant's counsel or to Co-Lead
9 Counsel for Plaintiffs, as applicable.

10 8. The two cases (Civ. Case No. 09-0705 and Civ. Case No. 06-0288) will be consolidated
11 as Civ. Case No. 09-0705. Plaintiffs are directed to file an amended complaint combining the
12 two cases within thirty (30) days. The clerk's office is directed to close this case.

13
14 IT IS SO ORDERED.

15 Dated: August 18, 2009

/s/ Anthony W. Ishii
CHIEF UNITED STATES DISTRICT JUDGE

16
17
18
19
20
21
22
23
24
25
26
27
28