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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

United States District Court
Northern District of California

SERGIO L. RAMIREZ, on behalf of
himself and all others similar situated,

Plaintiff,

v.

TRANS UNION, LLC,

Defendant.

Case No.: 3:12-cv-00632 JSC

**ORDER RE: PLAINTIFF’S MOTION
FOR APPOINTMENT OF INTERIM
CLASS COUNSEL (Dkt. No. 50)**

Now pending before the Court is Plaintiff’s Motion for Appointment of Interim Class Counsel Pursuant to Federal Rule of Civil Procedure 23(g)(3) (Dkt. No. 50). After carefully considering the pleadings and evidence submitted by the parties, and having had the benefit of oral argument on March 13, 2013, the Court DENIES Plaintiff’s motion as set forth on the record.

DISCUSSION

Pursuant to Federal Rule of Civil Procedure 23(g)(3), the court “may designate interim counsel to act on behalf of a putative class before determining whether to certify the action as

1 a class action.” Although Rule 23(g)(3) does not provide a standard for appointment of
2 interim counsel, the court may consider the factors contained in Federal Rule of Civil
3 Procedure 23(g)(1). Under Rule 23(g)(1)(A) to court considers:

- 4 (1) the work counsel has done in identifying or investigating potential claims in
5 the action;
6 (2) counsel’s experience in handling class actions, other complex litigation, and
7 the types of claims asserted in the action;
8 (3) counsel’s knowledge of the applicable law; and
9 (4) the resources that counsel will commit to representing the class.

10 Fed. R. Civ. P. 23(g)(1)(A). The Manual for Complex Litigation describes the type of
11 situation in which interim class counsel is appointed is one where “a number of overlapping,
12 duplicative, or competing suits are present.” *See* Manual for Complex Litigation, Fourth, §
13 21.11, at 246 (Federal Judicial Center 2004).

14 Plaintiff contends that interim appointment of counsel is necessary to ensure that the
15 rights of absent class members are adequately protected; however, to date, neither counsel for
16 Plaintiff nor counsel for Defendant are aware of any suits challenging Trans Union’s OFAC
17 practice other than those brought by Plaintiffs’ counsel. Thus, for the reasons stated on the
18 record at oral argument, the Court finds that appointment of interim class counsel is
19 unnecessary. Plaintiff will have the opportunity to move for appointment of class counsel in
20 connection with the motion for class certification set to be filed July 8, 2013.

21 Accordingly, Plaintiff’s Motion for Appointment of Interim Class Counsel Pursuant to
22 Federal Rule of Civil Procedure 23(g)(3) (Dkt. No. 50) is DENIED.

23 **IT IS SO ORDERED.**

24 Dated: March 13, 2013

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27 JACQUELINE SCOTT CORLEY
28 UNITED STATES MAGISTRATE JUDGE