

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
For the Northern District of California

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

SALVATORE AND SUSAN PILEGGI,
individually and on behalf of all others
similarly situated,

No. C 12-01333 WHA

Plaintiffs,

**ORDER DENYING MOTION TO
APPOINT INTERIM CLASS
COUNSEL**

v.

WELLS FARGO BANK, N.A.,

Defendant.

Plaintiffs have filed a motion to appoint interim class counsel on the grounds that the action “may be amenable to early resolution.” Motions to appoint interim class counsel (and to approve settlement) will ordinarily be denied until the record is sufficiently developed such that the interests of absent class members can be determined. This usually requires that most or all discovery be completed. Expert reports may be necessary. Among other things, the available information must be sufficient to ascertain the contours of the class, the potential costs/benefits of the relief to absent class members, and the suitability of the plaintiffs as class representatives.

Accordingly, the motion is **DENIED** without prejudice to renewal on a more complete factual record. Counsel should remember that if they truly seek only declaratory and injunctive

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

relief plus attorney's fees, then the release may not prejudice the right of class members to seek damages individually or as a class.

IT IS SO ORDERED.

Dated: January 14, 2013.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE