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United States District Court
Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MARC OPPERMAN, et al.,
Plaintiffs,
v.
PATH, INC., et al.,
Defendants.

Case No. 13-cv-00453-JST

**ORDER REQUIRING SUPPLEMENTAL
BRIEFING REGARDING
ORGANIZATION OF PLAINTIFFS’
COUNSEL**

THIS ORDER RELATES TO ALL CASES

Before the Court is the Stipulation Among Plaintiffs’ Counsel in Related Cases Regarding Organization of Plaintiffs’ Counsel in All Cases. ECF No. 352. The stipulation seeks the designation of four law firms as co-lead interim class counsel.

Federal Rule of Civil Procedure 23(g)(1)(A) requires courts to consider the following factors in appointing class counsel: “(i) the work counsel has done in identifying or investigating potential claims in the action; (ii) counsel's experience in handling class actions, other complex litigation, and the types of claims asserted in the action; (iii) counsel's knowledge of the applicable law; and (iv) the resources that counsel will commit to representing the class.” The stipulation submitted by Plaintiffs’ counsel does not address those factors. Consequently, the Court hereby orders Plaintiffs’ counsel to submit supplemental briefing addressing their qualifications to represent the proposed class pursuant to Rule 23(g), and with regard to the factors enumerated in section 21.27 of the Manual for Complex Litigation, Fourth (FJC 2004).

Counsel should be aware that the Court is unlikely to appoint four interim co-lead counsel in this case, as Plaintiffs’ counsel previously proposed. If Plaintiffs’ counsel propose that more

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than one firm act as interim lead counsel, they shall also address how they intend to limit the duplication of effort on behalf of the proposed class.

Counsel's supplemental briefing shall be filed by October 4, 2013. The Court will hold a hearing on this matter on October 15, 2013, at 2:00 p.m., in Courtroom 9, 19th Floor, 450 Golden Gate Avenue, San Francisco, California.

IT IS SO ORDERED.

Dated: September 16, 2013



JON S. TIGAR
United States District Judge