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28IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RICHARD W. TRAMMELL,

Plaintiff,

v.

BARBARA'S BAKERY, INC. ET AL.,

Defendants.

No. C 12-2664 CRB

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

Plaintiff Trammel requests appointment of his counsel as interim lead class counsel under Federal Rule of Civil Procedure 23(g), see *dk.* 20, which permits but does not require such appointments “if necessary to protect the interests of the putative class,” such as in cases of rival putative class counsel or litigation problems caused by uncertainty in representation of the class. Fed. R. Civ. P. 23(g)(3) advisory committee’s note. Defendant Barbara’s Bakery, Inc. (“Barbara’s”) filed a non-opposition to the appointment, but suggested that counsel be required to propose fee and cost terms. See *dk.* 22.

Neither Trammel nor Barbara’s has articulated any good reason that interim counsel is necessary. On the contrary, the briefing makes clear that counsel for Trammel has made great progress and worked effectively with counsel for Barbara’s without such appointment. That other counsel might also seek to represent the class effectively in the future does not justify the requested appointment at this time.

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The Court finds this motion suitable for resolution without oral argument, see Local Rule 7-1(b), and DENIES Trammel’s motion for appointment of interim class counsel.

**IT IS SO ORDERED.**

Dated: November 16, 2012



CHARLES R. BREYER  
UNITED STATES DISTRICT JUDGE