

United States District Court
For the Northern District of California

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

ZAK HURICKS, et al.,

Plaintiffs,

v.

SHOPKICK, INC.,

Defendant.

No. C-14-2464 MMC

**ORDER DENYING WITHOUT
PREJUDICE DEFENDANT’S MOTION TO
DISQUALIFY**

Before the Court is defendant Shopkick, Inc.’s (“Shopkick”) “Motion to Disqualify Plaintiffs’ Counsel,” filed June 19, 2014. Plaintiffs Zak Huricks and Trista Robinson have filed opposition, to which Shopkick has replied. Having read and considered the papers filed in support of and in opposition to the motion, the Court rules as follows.¹

In their complaint, plaintiffs allege that Shopkick sent them text messages in a manner that violated the Telephone Consumer Protection Act, and seek to proceed both on their own behalf and on behalf of a class. By the instant motion, Shopkick argues that plaintiffs’ counsel should be disqualified from acting as counsel on behalf of the putative class, due to circumstances that, according to Shopkick, raise the appearance of a conflict between plaintiffs’ counsel and the putative class.

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¹By order filed July 22, 2014, the Court took the matter under submission.

1 By order filed concurrently herewith, the Court has dismissed the complaint for
2 failure to state a claim, and has afforded plaintiffs leave to amend. Consequently, no
3 claims on behalf of the putative class are presently pending before the Court.

4 Accordingly, Shopkick's motion is hereby DENIED without prejudice as premature.

5 **IT IS SO ORDERED.**

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7 Dated: July 24, 2014

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MAXINE M. CHESNEY
United States District Judge

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