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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA

10 ROBERT E. BECKER,

11 Plaintiff,

12 v.

13 SPACEDEV, INC. *et al.*,

14 Defendants.
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Civil No. 08cv2199-L(CAB)

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17 **ORDER GRANTING MOTION FOR**
18 **APPROVAL OF LEAD**
19 **PLAINTIFF'S SELECTION OF**
20 **LEAD AND LIAISON COUNSEL**

21 In this putative securities class action, the firms of Rigrodsky & Long P.A. ("R&L") and
22 Hulett Harper Stewart LLP ("HHS") filed a Motion for Approval of Lead Plaintiff's Selection of
23 Lead and Liaison Counsel. No opposition has been filed. For the reasons stated below, the
24 motion is **GRANTED**.

25 By order filed April 17, 2009, Robert E. Becker was appointed Lead Plaintiff for the
26 class. Lead Plaintiff's selection of R&L and HHS was rejected at that time because of several
27 discrepancies in Plaintiff's filings regarding his selection of counsel. (*See* order filed Apr. 17,
28 2009.) Lead Plaintiff re-filed his motion for approval of his selection of lead and liaison
counsel, and supported his request with additional information.

Pursuant to 15 U.S.C. § 78u-4(a)(3)(B)(v), the lead plaintiff "shall, subject to the approval
of the court, select and retain counsel to represent the class." In order to approve class counsel,
the court must find that they comply with the requirements of Federal Rule of Civil Procedure
23(g). Fed. Judicial Ctr, *Managing Class Action Litig.* at 4-5 (2005). Based on the declarations

1 and representations made in support of Lead Plaintiff's initial motion (doc. no. 5) and the
2 pending motion (doc. no. 14), the court finds that Lead Plaintiff's selection complies with Rule
3 23(g) requirements.

4 Lead Plaintiff retained three law firms in this matter, R&L as its Lead Counsel , HHS as
5 Liaison Counsel, and The Rosen Law Firm ("Rosen") as additional counsel. Although Lead
6 Plaintiff intends for Rosen to continue to represent him in this matter and support the other two
7 law firms, he expressly did not seek approval of Rosen as lead or liaison counsel. While a
8 litigant has a right to representation of his choice, the counsel are hereby forewarned that the
9 court is not inclined to grant any attorneys' fees or costs for duplication of work among them.

10 For the reasons stated above, the motion is **GRANTED**. Lead Plaintiff's selection of
11 Rigrodsky & Long, P.A. as Lead Counsel and his selection of Hulett Harper Stewart LLP as
12 Liaison Counsel are hereby approved.

13 **IT IS SO ORDERED.**

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15 DATED: August 6, 2009

16 
17 M. James Lorenz
18 United States District Court Judge

19 HON. CATHY ANN BENCIVENGO
20 UNITED STATES MAGISTRATE JUDGE

21 ALL PARTIES/COUNSEL
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