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8 **UNITED STATES DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF CALIFORNIA**  
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11 IN RE: MIDLAND CREDIT  
12 MANAGEMENT, INC. TELEPHONE  
13 CONSUMER PROTECTION ACT  
14 LITIGATION  
15

MDL No. 2286-MMA (MDD)

**ORDER RE: SUBMISSION OF  
APPLICATIONS FOR  
APPOINTMENT OF NEW LEAD  
AND LIAISON COUNSEL**

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17 A Status Hearing was held in this multi-district litigation on Friday, March 10,  
18 2017. After reviewing the status of various member cases, the Court and the parties  
19 conferred regarding the appointment of new Lead and Liaison Counsel, in light of the  
20 class action settlement and resulting resolution of current Lead and Liaison Counsel's  
21 clients' claims. For the reasons discussed, the Court finds it appropriate to appoint new  
22 Lead and Liaison Counsel in this litigation. To that end, the Court now solicits  
23 applications from current counsel of record for plaintiffs in the member cases.

24 Accordingly, **IT IS HEREBY ORDERED:**

- 25 1. Counsel who desire to be appointed as Lead or Liaison Counsel, to assist with  
26 the tasks to be completed going forward, including but not limited to common  
27 issue discovery, must submit notices and briefs in support of their separate or  
28 joint applications to be appointed Lead and/or Liaison Counsel or, in the

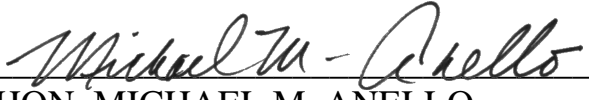
1 alternative, to be appointed to, or to establish, an executive committee to serve  
2 in the role as Lead or Liaison Counsel.

- 3 2. Notices and briefs in support of such applications must include proposals for  
4 compensating such new Lead and Liaison Counsel and/or executive  
5 committees for services rendered on behalf of and for the benefit of the  
6 remaining member cases, whether that be a proposed percentage of all later  
7 settlements or judgments to be received as fees, or a more general proposal to  
8 establish a procedure for achieving a fair rate of compensation. *See In re Diet*  
9 *Drugs Prod. Liab. Litig.*, No. 1203, 1999 WL 124414, at \*2 (E.D.Pa. Feb. 10,  
10 1999); *In re Linerboard Antitrust Litig.*, 292 F.Supp.2d 644, 668-69 (E.D.Pa.  
11 2003); *In re MGM Grand Hotel Fire Litig.*, 660 F.Supp. 522, 525 (D.Nev.  
12 1987). The Court reserves the right to treat such proposals as interim  
13 proposals, to modify any common benefit fees and costs that are set aside, and  
14 to award them in the interests of justice. *In re Diet Drugs Prod. Liab.*  
15 *Litig.*, No. 1203, 2010 WL 3292787, at \*2-5 (E.D.Pa. Aug. 19, 2010).
- 16 3. Notices and briefs in support of such applications must be submitted no later  
17 than **June 5, 2017**.
- 18 4. Any briefs in opposition to any or all such applications must be filed no later  
19 than **June 19, 2017**.
- 20 5. Any reply briefs in support of such applications must be filed no later than  
21 **June 26, 2017**.
- 22 6. Upon review of such applications, oppositions, and reply briefs, the Court will  
23 schedule a hearing on the appointment of new Lead and Liaison Counsel if  
24 necessary.
- 25 7. Interested counsel may direct their questions or comments regarding this  
26 procedure through current Liaison Counsel, David P. Schafer, Law Offices of  
27 David P. Schafer PLLC, 2139 NW Military Highway, Suite 200, San Antonio,  
28 TX 78213, (210) 348-0500, [David@helpingtexas.com](mailto:David@helpingtexas.com).

1           Within three (3) court days of entry of this Order, Liaison Counsel must serve a  
2 copy of this Order on any plaintiffs who, as reflected on the master docket, are not  
3 currently receiving the Notices of Electronic Filing generated by the CM/ECF system.

4           **IT IS SO ORDERED.**

5           DATE: March 22, 2017

  
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6           HON. MICHAEL M. ANELLO  
7           United States District Judge

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