

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

FRANK MONTELEONE and SHERI  
MONTELEONE, individually and on  
behalf of others similarly situated,

Plaintiffs,

v.

*Case No.*

*13-12716*

THE AUTO CLUB GROUP, a  
Michigan corporation; and  
MEMBERSELECT INSURANCE  
COMPANY, a Michigan corporation,  
jointly and severally,

Defendants.

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Sommers Schwartz, P.C.  
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**PROPOSED ORDER APPOINTING INTERIM COUNSEL**

This matter having come before the Court upon the application of Plaintiffs Frank Monteleone and Sheri Monteleone for the appointment of Michael H. Fabian of Fabian Sklar & King ("Fabian"), and Jason J. Thompson of Sommers Schwartz,

P.C. ("Sommers"), as interim class counsel on behalf of the putative class (the "Application"), and the Court being fully advised in the premises;

IT IS HEREBY ORDERED that:


1. The Application be and the same hereby is granted;
2. Pursuant to Rule 23(g) of the Federal Rules of Civil Procedure, the Michael H. Fabian of Fabian Sklar & King, and Jason J. Thompson of Sommers Schwartz, P.C. shall be appointed interim counsel to act on behalf of the putative class;
3. Interim counsel shall have the following responsibilities and duties to perform or delegate as appropriate:
  - (a) to direct and execute on behalf of plaintiffs all pleadings and filings with the Court;
  - (b) to brief and argue motions;
  - (c) to initiate a Rule 26(f) conference and conduct discovery, including, without limitation, coordination of discovery with defendants' counsel, the preparation of written interrogatories, requests for admissions, and requests for production of documents;
  - (d) to direct and coordinate the examination of witnesses in depositions;

- (e) to appoint a spokesperson for plaintiffs at pretrial conferences;
- (f) to call and chair meetings of plaintiffs' counsel as appropriate or necessary from time to time;
- (g) to initiate and conduct any settlement negotiations with counsel for defendants;
- (h) to provide general coordination of the activities of plaintiffs' counsel and to delegate work responsibilities to selected counsel as may be required in such a manner as to lead to the orderly and efficient prosecution of this litigation and to avoid duplication or unproductive effort;
- (i) to consult with and employ experts;
- (j) to receive and review periodic time reports of all attorneys on behalf of Plaintiffs, to determine if the time is being spent appropriately and for the benefit of plaintiffs, and to determine the allocation of any attorneys' fees;
- (k) to direct all pretrial proceedings, trial preparation, trials and post-trial proceedings; and
- (l) to perform such other duties as may be required by the case or expressly authorized by further order of this Court.

4. This Order of appointment is interim in nature and may be revoked or revisited by the Court if circumstances require.

IT IS SO ORDERED.

Dated: 9-17-13

  
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HON. GEORGE C. STEEH

UNITED STATES DISTRICT COURT JUDGE