

1 THE HONORABLE JOHN C. COUGHENOUR

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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 NIKOLAY KAUTSMAN, *et al.*,

CASE NO. C16-1940-JCC

10 Plaintiffs,

ORDER

11 v.

12 CARRINGTON MORTGAGE SERVICES,
13 LLC, *et al.*,

14 Defendants.

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16 This matter comes before the Court on the parties' stipulation and agreement regarding
17 notice and class counsel (Dkt. No. 99).

18 With regard to the motion to approve proposed class notice, the parties are ORDERED to
19 apprise the Court, by July 23, 2019, of the status of their settlement negotiations, and whether the
20 Court should delay considering the motion to approve the parties' proposed class notice until it
21 receives and considers any forthcoming stipulated motion to approve class settlement.

22 With regard to the motion to approve additional class counsel, that motion is GRANTED.
23 In appointing class counsel, the Court must consider: (1) "the work counsel has done in
24 identifying or investigating potential claims in the action;" (2) "counsel's experience in handling
25 class actions, other complex litigation, and the types of claims asserted in the action;" (3)
26 "counsel's knowledge of the applicable law;" and (4) "the resources that counsel will commit to

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1 representing the class[.]” Fed. R. Civ. P. 23(g)(1)(A).

2 The parties propose Roger Davidheiser and the law firm of Friedman Rubin as additional
3 class counsel in this case. (*See* Dkt. No. 99.) Mr. Davidheiser and Friedman Rubin are
4 experienced in handling class actions. (*See id.* at 3.) Mr. Davidheiser is knowledgeable in the
5 applicable law in this case because he has tried numerous complex cases and has previously been
6 lead class counsel. (*See id.* at 3–4.) Friedman Rubin is able to commit substantial resources to
7 this class action. (*Id.* at 3.) And although Mr. Davidheiser and Friedman Rubin have not done as
8 much work as current class counsel identifying and investigating potential claims in this action,
9 adding additional class counsel in this case seems particularly appropriate given the struggles of
10 Plaintiffs’ current counsel previously identified by the Court. (*See* Dkt. No. 89 at 7.) Finally, all
11 parties agree that Mr. Davidheiser and Friedman Rubin would serve as adequate additional class
12 counsel. (*Id.* at 5.) Therefore, the Court finds that Roger Davidheiser and the law firm of
13 Friedman Rubin will adequately represent the class and hereby APPOINTS Mr. Davidhesier of
14 Friedman Rubin as additional class counsel.

15 DATED this 22nd day of July 2019.

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19 John C. Coughenour
20 UNITED STATES DISTRICT JUDGE
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