

United States District Court
Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Case No. 16-MD-02752-LHK

IN RE YAHOO! INC. CUSTOMER DATA
SECURITY BREACH LITIGATION

**ORDER SELECTING LEAD
PLAINTIFFS' COUNSEL AND
PLAINTIFFS' EXECUTIVE
COMMITTEE**

In an order issued on December 13, 2016, the Court invited counsel for the various plaintiffs in this multidistrict litigation (“MDL”) to file motions to serve as lead plaintiffs’ counsel. ECF No. 2 at 3. The Court explained that the “chief criteria” the Court would consider in appointing lead plaintiffs’ counsel would be: (1) “Knowledge and experience in prosecuting complex litigation, including class actions, data breach, and/or privacy cases”; (2) “Willingness and ability to commit to a time-consuming process”; (3) “Ability to work cooperatively and efficiently with others”; (4) “Access to sufficient resources to prosecute the litigation in a timely manner”; and (5) “Commitment to prioritizing the interests of the putative class.” *Id.* These criteria largely track the four factors a district court must consider in appointing class counsel under Rule 23(g)(1)(A) of the Federal Rules of Civil Procedure. *See* Fed. R. Civ. P. 23(g)(1)(A).

On January 5, 2017, the Court received four separate motions to serve as lead plaintiffs’ counsel in this action. ECF Nos. 19, 21, 23, 24. On January 12, 2017, the Court received five response briefs. ECF Nos. 34, 35, 36, 37, 38. On January 19, 2017, the Court received two replies.

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1 ECF Nos. 43, 44.

2 Having reviewed all of these submissions, having heard the arguments at the February 9,
3 2017 hearing, and considering the criteria set forth in the Court's December 13, 2016 order as well
4 as the factors enumerated in Rule 23(g)(1)(A), the Court hereby GRANTS the Joint Application
5 for Appointment of Plaintiffs' Executive Committee filed by John Yanchunis of Morgan &
6 Morgan, Ariana Tadler of Milberg LLP ("Milberg"), Stuart Davidson of Robbins Geller Rudman
7 & Dowd LLP ("Robbins Geller"), Gayle Blatt of Casey Gerry Schenk Francavilla Blatt & Penfield
8 LLP ("Casey Gerry"), and Karen Riebel of Lockridge Grindal Nauen PLLP ("Lockridge"). ECF
9 No. 19.

10 The Court hereby APPOINTS John Yanchunis as Lead Plaintiffs' Counsel and APPOINTS
11 a Plaintiffs' Executive Committee consisting of Ariana Tadler of Milberg, Stuart Davidson of
12 Robbins Geller, Gayle Blatt of Casey Gerry, and Karen Riebel of Lockridge. John Yanchunis shall
13 serve as Chair of the Executive Committee.

14 Lead Plaintiffs' Counsel and the Plaintiffs' Executive Committee shall take the following
15 steps to ensure efficiency in representing the putative class in this MDL. First, as Lead Plaintiffs'
16 Counsel, John Yanchunis shall review all billing records for all billers every month and strike
17 duplicative or inefficient billing. Second, all billing shall be contemporaneous, meaning that
18 billing for each task shall be recorded within seven days of the task. Third, all billing shall be
19 recorded by task, rather than by block billing. Fourth, only work that has been assigned shall be
20 eligible for compensation. Finally, Lead Plaintiffs' Counsel and the Plaintiffs' Executive
21 Committee shall impose and enforce limits on the number of lawyers assigned to each task.

22 Having granted the joint motion for appointment, ECF No. 19, the Court therefore
23 DENIES the three other pending motions to serve as lead plaintiffs' counsel. ECF Nos. 21, 23, 24.

24 **IT IS SO ORDERED.**

25 Dated: February 9, 2017

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LUCY H. KOH
United States District Judge