

United States District Court
Northern District of California

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IN RE: TIKTOK, INC. PRIVACY
LITIGATION

Case No. 19-CV-07792-LHK

**ORDER APPOINTING INTERIM
LEAD PLAINTIFFS’ COUNSEL AND
PLAINTIFFS’ EXECUTIVE
COMMITTEE**

Re: Dkt. Nos. 63, 64, 65, 66, 67, 68

In the Court’s May 19, 2020 order, the Court invited counsel to file motions to serve as interim lead plaintiffs’ counsel. ECF No. 43 at 2. The Court set the deadline for such motions to be June 30, 2020, the deadline for oppositions to be July 6, 2020, and the deadline for replies to be July 10, 2020. *Id.*

The Court received six separate applications to serve as interim lead plaintiffs’ counsel in the instant consolidated action. ECF Nos. 63–68. The Court received four opposition briefs, ECF Nos. 70–73, as well as a statement from Defendants that supported the appointment of interim lead plaintiffs’ counsel but took no position as to which attorneys should be appointed, ECF No. 69. The Court received six replies. ECF Nos. 76-81.

1 Having reviewed all of these submissions and considering the factors enumerated in Rule
2 23(g)(1)(A), the Court hereby GRANTS the joint motion submitted by Bird, Marella, Boxer,
3 Wolpert, Nessim, Dooks, Lincenberg & Rhow, P.C. (“Bird Marella”); Glancy Prongay & Murray
4 LLP (“Glancy”), Phillips, Erlewine, Given & Carlin LLP (“Phillips”); Hausfeld LLP (“Hausfeld”),
5 and Burns Charest LLP (“Burns”). ECF No. 64. Accordingly, the Court DENIES the remaining
6 motions. ECF Nos. 63, 65, 66, 67, 68.

7 Specifically, the Court hereby APPOINTS Ekwon Rhow of Bird Marella as Interim Lead
8 Plaintiffs’ Counsel and Chairperson of the Executive Committee. The Court further APPOINTS
9 Kara Wolke of Glancy, David Given of Phillips, Megan Jones of Hausfeld, and Amanda Klevorn
10 of Burns to the Plaintiffs’ Executive Committee. The Court ADOPTS the leadership
11 configuration and general oversight responsibilities as set forth in the joint motion. ECF No. 64 at
12 6–7.

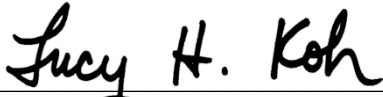
13 In light of the number of attorneys that comprise Interim Lead Plaintiffs’ Counsel and
14 Plaintiffs’ Executive Committee, and in order to ensure efficiency, the Court further adopts the
15 following protocols. Other than the Plaintiffs’ Executive Committee, no other law firms shall
16 work on the instant case without prior approval of the Court. Motions for approval of additional
17 Plaintiffs’ counsel shall identify the additional Plaintiffs’ counsel and their background, the
18 specific proposed tasks, and why Plaintiffs’ Executive Committee cannot perform these tasks. If
19 attorney’s fees are ultimately awarded in this case, the Court will not award fees for additional
20 Plaintiffs’ counsel whom the Court has not approved. Interim Lead Plaintiffs’ Counsel should
21 seek approval before additional Plaintiffs’ counsel begin work on the case.

22 Further, Interim Lead Plaintiffs’ Counsel and the Plaintiffs’ Executive Committee shall
23 take the following steps to ensure efficiency in representing the putative class in the instant case.
24 First, as Interim Lead Plaintiffs’ Counsel Ekwon Rhow shall review all billing records for all
25 billers every month and strike duplicative or inefficient billing. Second, all billing shall be
26 contemporaneous, meaning that billing for each task shall be recorded within seven days of the

1 task. Third, all billing shall be recorded by task, rather than by block billing. Fourth, only work
2 that has been assigned shall be eligible for compensation. Finally, Interim Lead Plaintiffs'
3 Counsel and the Plaintiffs' Executive Committee shall impose and enforce limits on the number of
4 lawyers assigned to each task.

5 **IT IS SO ORDERED.**

6
7 Dated: July 14, 2020



8
9 LUCY H. KOH
United States District Judge

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
United States District Court
Northern District of California