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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE ROBINHOOD OUTAGE
LITIGATION

Master File No. 20-cv-01626-JD

**ORDER RE INTERIM CLASS
COUNSEL AND BRIEFING
SCHEDULE**

United States District Court
Northern District of California

In this consolidated action, the Court denied without prejudice plaintiffs’ proposed appointments for interim lead class counsel, liaison counsel, and an “executive committee” over concerns about a lack of diversity and “repeat player” issues. Dkt. No. 59 at 3. Plaintiffs promptly filed an amended proposal that significantly broadened in multiple ways the diversity of the attorneys designated for the interim roles. Dkt. No. 62. The revised composition meets the concerns the Court raised, and so the Court makes the following appointments pursuant to Rule 23(g)(3) of the Federal Rules of Civil Procedure.

INTERIM LEAD CLASS COUNSEL

1. Anne Marie Murphy of Cotchett, Pitre & McCarthy, LLP, and Matthew B. George of Kaplan Fox & Kilsheimer LLP are appointed as interim lead class counsel in the consolidated action on behalf of the putative class of Robinhood customers in the United States alleging contract, tort, and consumer protection claims arising out of the March 2020 outage. Interim lead counsel and their firms meet the requirements for appointment of class counsel in Fed. R. Civ. P. 23(g)(1) in that they have performed substantial work on behalf of the putative class, have facilitated the consolidation of the various Robinhood actions in this Court, and have the knowledge and experience necessary to effectively represent the putative class.

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behalf of the putative class:

- a) At the close of each calendar month, interim lead counsel will make sure that all time has been entered by all timekeepers in final form. By 14 days after each month’s end, interim co-lead counsel will ensure that a bill for the prior month is finalized, reflecting lead counsel’s review of the billing records and any write-downs or write-offs by interim co-lead counsel for inefficiencies, duplication of effort, misjudgments in staffing, and the like. These final bills for each month will be segregated and kept by lead counsel, and may not be altered. Only these records, prepared contemporaneously with the expenditures, may be used for a fees and costs motion.
- b) Time will be recorded in one-tenths of an hour.
- c) Block-billing time records are not permitted. Time must instead be recorded by task. For example, an attorney may not record “7.8 hours” for “work on motion to dismiss opposition.” Instead, the attorney must break out the 7.8 hours specifying the amount of time spent for each specific task performed, e.g., “review and analyze motion to dismiss brief (1.3); team meeting regarding arguments for opposition (.8); legal research re X argument (3.3); draft X section of opposition brief (2.4).”
- d) Interim lead counsel are free to make staffing decisions as they deem appropriate, but the Court will not permit fees to be recovered for multiple attorneys performing duplicative work. For example, barring an unusual circumstance, only one lawyer should attend a deposition when defending it, and no more than two lawyers should attend when taking a deposition. The Court will not permit the recovery of fees for every attorney from every firm to review each discovery request and response, motion, letter, e-mail, etc. in the case. While each attorney should stay informed about the litigation, only the attorneys designated by interim lead counsel to review or summarize pleadings, orders and communications are working for the common benefit of the putative

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class, and only their time will be considered for possible payment at the conclusion of this case.

- e) Air travel of less than six hours should be in coach class. Travel exceeding six hours of flight time may be booked in business class. In all cases, flights should be booked at the lowest available fare.
- f) When overnight travel is necessary, counsel should be mindful in selecting reasonable hotel accommodations and restaurants. Per diem expenses for travel days should not exceed \$125 per person exclusive of lodging and transportation.
- g) Failure to adhere to these guidelines -- or the spirit animating them -- will result in the exclusion of the fee or cost request.

BRIEFING SCHEDULE

9. At the parties' joint request, Dkt. No. 38 at 14, plaintiffs may file an amended consolidated complaint by August 21, 2020. Robinhood will respond to the consolidated complaint within 45 days. If Robinhood moves to dismiss, plaintiffs will have 45 days to respond. Robinhood may reply to plaintiffs' response within 30 days. Robinhood need not respond to any complaint previously filed or served in the consolidated action.

IT IS SO ORDERED.

Dated: July 22, 2020



JAMES DONATO
United States District Judge