

**UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA**

CAM YUEN, et al., on behalf of themselves
and all others similarly situated,

Plaintiffs,

vs.

IDEXX LABORATORIES, INC., et al.,

Defendants.

Case No: 3:22-cv-04297-~~VC~~ TLT

**~~[PROPOSED]~~ ORDER APPOINTING
INTERIM CO-LEAD CLASS COUNSEL**

Counsel for Plaintiffs in this action alleging anticompetitive conduct by Defendants IDEXX Laboratories, Inc. and IDEXX Distribution, Inc. (collectively, “IDEXX”) have proposed the appointment of interim co-lead class counsel to manage the litigation pending class certification proceedings. The complex substantive and procedural issues raised in this antitrust case warrant the appointment of interim co-lead class counsel. The proposal is fair, reasonable, and in the interest of the putative class, and the Court adopts it.

Thus, pursuant to Federal Rule of Civil Procedure 23(g)(3), the Court appoints Berger Montague PC and Cohen Milstein Sellers & Toll PLLC as Interim Co-Lead Class Counsel on behalf of the proposed class. While the factors in Rule 23(g)(1) are not, strictly speaking, applicable to interim counsel, they provide a useful framework to evaluate appointments. In that respect, the materials filed with the proposal indicate that Interim Co-Lead Class Counsel have performed substantial work on behalf of the potential class, and have the knowledge, experience, and resources necessary to effectively represent the potential class.

AUTHORITY AND RESPONSIBILITY

1. Interim Co-Lead Class Counsel have full authority to conduct all pretrial and trial work, including settlement discussions. Interim Co-Lead Class Counsel have the final word on and responsibility for all common discovery issues, service of pleadings and filings, stipulations, briefs and arguments, court hearings and appearances, communications with opposing counsel and the Court, expert retention and reports, trial and appeals arising in the course of litigation before this Court, as well as work assignments, billing records and fee issues, and overall case strategy, scheduling, and management for the putative indirect purchaser class. Opposing counsel may rely on the conduct and representations of Interim Co-Lead Class Counsel for any issue in the litigation.

2. Interim Co-Lead Class Counsel have full authority over, and responsibility for: (1) assigning work to other plaintiffs' counsel, as may be appropriate and in the putative class's best interest; (2) implementing time and expense record-keeping policies; (3) collecting time and expense reports from all plaintiffs' counsel on a monthly basis; (4) acting as the treasurer for any litigation fund assessments and expenses; and (5) otherwise ensuring that any work done by plaintiffs' counsel in this matter which includes, but is not limited to, common benefit work, read and review time, or attending depositions or hearings, is authorized by Interim Co-Lead Class Counsel.

3. Interim Co-Lead Class Counsel will be vigilant in ensuring the efficient and economical prosecution of this matter. A request for an award of fees and costs may be based only on records that were prepared as the fees and costs were incurred.

IT IS SO ORDERED

Dated: September 26, 2022


HON. TRINA L. THOMPSON
United States District Judge