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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

IN RE: MIDLAND CREDIT  
MANAGEMENT, INC. TELEPHONE  
CONSUMER PROTECTION ACT  
LITIGATION

MDL No. 2286

**ORDER APPOINTING INTERIM  
CO-LEAD CLASS COUNSEL AND  
LIAISON COUNSEL**

[Doc. Nos. 508, 510]

On March 23, 2017, the Court issued an order soliciting applications for new Lead and Liaison Counsel in this multi-district litigation. *See* Doc. No. 491. The Court has received and reviewed two applications. *See* Doc. Nos. 508, 510. In the first application, Plaintiffs Curtis Bentley and William Baker jointly request that the Court appoint Ademi & O’Reilly, LLP and Monteverde & Associates, P.C., as Interim Co-Lead Class Counsel<sup>1</sup> for a putative class of individuals who allegedly received ATDS calls from Defendants without consent, beginning on September 1, 2014. *See* Amended Complaint, Doc. No. 4 ¶ 64, Case No. 16cv2157-MMA (MDD); Complaint, Doc. No. 1 ¶ 78, Case No.

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<sup>1</sup> Pursuant to Federal Rule of Civil Procedure 23(g)(3), the Court may designate interim class counsel to represent the interests of the alleged class in initial proceedings, even before determining whether to certify the class as a whole.

1 16cv2768-MMA (MDD). In the second application, Lemberg Law, LLC<sup>2</sup> seeks  
2 appointment as Liaison Counsel for the individual member cases involving plaintiffs who  
3 opted out of the prior class action settlement, and/or are not members of the putative class  
4 that Bentley and Baker seek to represent. In the role of Liaison Counsel, Lemberg Law,  
5 LLC proposes to coordinate with Interim Co-Lead Class Counsel, as well as counsel for  
6 the remaining individual plaintiffs, to begin conducting streamlined discovery, including  
7 written discovery and depositions.

8 The Court has considered the experience and qualifications of the applicants, in  
9 addition to other relevant factors, and finds the applications satisfactory. *See* Manual on  
10 Complex Litigation (4th Ed.) § 10.224; *see also id.*, § 22.62 (discussing appointment of  
11 lead counsel in multi-district litigation and factors to be considered). In addition, the  
12 Court finds it necessary and appropriate to appoint separate, liaison counsel for those  
13 plaintiffs who have not brought class allegations against Midland and will not be  
14 members of the new putative class.

15 Accordingly, the Court hereby **APPOINTS**:

16 1. Interim Co-Lead Class Counsel:

17 MONTEVERDE & ASSOCIATES P.C.

18 David E. Bower

19 600 Corporate Pointe, Suite 1170

20 Culver City, CA 90230

21 ADEMI & O'REILLY, LLP

22 Stephen Ademi

23 John D. Blythin

24 3620 East Layton Avenue

25 Cudahy, WI 53110

26 Monteverde & Associates P.C. and Ademi & O'Reilly, LLP will act as Interim Co-Lead

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27 <sup>2</sup> Lemberg Law, LLC represents thirty-one (31) of the remaining individual member plaintiffs with  
28 TCPA claims, most of whom opted out of the prior class, and are not members of the new proposed  
class.

1 Class Counsel for the putative class actions transferred to this MDL seeking certification  
2 of classes for the period beginning September 1, 2014 to the present.

3 2. Liaison Counsel:

4 LEMBERG LAW, LLC  
5 Sergei Lemberg, Esq.  
6 43 Danbury Road  
7 Wilton, CT 06897

8 Lemberg Law, LLC will act as Liaison Counsel for the individual member cases  
9 involving plaintiffs who have not brought class allegations against Midland, who opted  
10 out of the previous settlement class, and/or are not members of the new putative class.

11 Lemberg Law, LLC will not act in any capacity as class counsel.

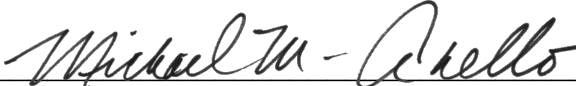
12 Interim Co-Lead Class Counsel and Liaison Counsel must meet and confer on or  
13 before **August 21, 2017** regarding the respective authority and responsibilities of Interim  
14 Co-Lead Class Counsel and Liaison Counsel. Thereafter, Interim Co-Lead Class Counsel  
15 and Liaison Counsel must jointly prepare and file on or before **September 1, 2017** a  
16 Status Report setting forth the proposed authority and division of responsibilities, as well  
17 as detailed proposals regarding compensation for each counsel. Midland may file a  
18 response to the Status Report on or before **September 8, 2017**.

19 The Court **SETS** a Status Hearing for **September 15, 2017 at 9:30 a.m.** in  
20 Courtroom 3D. The Court notes that this will be an attorneys-only status conference.  
21 Participation of non-lead/liaison counsel will be permitted, but is not required.

22 *The Clerk of Court is instructed to file this Order on the docket of MDL No. 2286*  
23 *only.*

24 **IT IS SO ORDERED.**

25 DATE: July 31, 2017

26   
27 HON. MICHAEL M. ANELLO  
28 United States District Judge