

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

IN RE: T-MOBILE CUSTOMER DATA	)	
SECURITY BREACH LITIGATION,	)	MDL No. 3073
	)	
	)	Master Case No. 4:23-MD-03073-BCW
ALL ACTIONS	)	

ORDER APPOINTING INTERIM LEADERSHIP COUNSEL

Before the Court are plaintiffs' counsels' motions for appointment as interim lead class counsel and/or appointment to a leadership position. (Docs. ##24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 35, 36). The Court interviewed applicants for leadership positions on November 29, 2023 and December 8, 2023. The Court, being duly advised of the premises, having conducted interviews and considered counsel's written submissions, appoints plaintiffs' leadership counsel as follows.

1. Co-Lead Interim Class Counsel

James E. Cecchi
Carella Byrne Cecchi Olstein Brody & Agnello
5 Becker Farm Road, Ste. 2nd Floor
Roseland, NJ 07068

Cari Laufenberg
Keller Rohrback L.L.P.
1201 3rd Ave., Ste. 3200
Seattle, WA 98101

James Pizzirusso
Hausfeld LLP
888 16th St. NW, Ste. 300
Washington, DC 20006

Norman Eli Siegel
Stueve Siegel Hanson LLP - KCMO
460 Nichols Rd., Ste. 200
Kansas City, MO 64112

Co-Lead Interim Class Counsel are designated to “act on behalf of a putative class before determining whether to certify the action as a class action” and are responsible for coordinating pretrial proceedings. Fed. R. Civ. P. 23(g)(3).

Co-Lead Interim Class Counsel’s responsibilities include, but are not limited to, the following:

- a.** Determine and present matters to the Court during pretrial proceedings;
- b.** Coordinate and conduct discovery;
- c.** Manage this litigation on behalf of the putative plaintiff class through coordination with other Co-Lead Interim Class Counsel;
- d.** Fund the necessary and appropriate costs of discovery and other common benefit efforts;
- e.** Coordinate settlement discussions or other dispute resolution efforts;
- f.** Ensure all proceedings are effective, efficient, and economical;
- g.** Ensure scheduling requirements are met;
- h.** Delegate specific tasks in consideration of the qualifications of non-leadership counsel in an effort to maximize efficiency;
- i.** Consult with and employ consultants or experts as necessary;
- j.** Enter into stipulations with opposing counsel as necessary;
- k.** Encourage full cooperation and efficiency among all plaintiffs’ counsel;
- l.** Prepare and distribute periodic status reports to all parties;
- m.** Establish a protocol for timekeeping and recordkeeping for work performed in the prosecution of Plaintiffs’ claims, including a mechanism for

maintenance of disbursements and receipts for common benefit work, for submission to the Court for approval;

- n. Determine reasonable compensation for non-leadership counsel commensurate with their contributions from a settlement fund, if any, or a verdict;
- o. Present all matters of common concern to Plaintiffs;
- p. Perform such other duties as may be incidental to proper coordination with other leadership counsel or as otherwise ordered by the Court;
- q. Submit, if appropriate, additional committees and counsel for designation by the Court; and
- r. Perform such other functions as necessary to effectuate these responsibilities or as may be expressly authorized by further Order of the Court.

No work shall be undertaken by any plaintiffs' counsel without the express advance authorization of Co-Lead Interim Class Counsel. Likewise, no pleadings, motions, discovery, or other pretrial proceedings shall be initiated or filed by any plaintiffs' counsel, except through Co-Lead Interim Class Counsel or upon their express advance authorization.

2. Liaison Counsel

Maureen Brady
McShane & Brady LLC
1656 Washington St., Ste. 140
Kansas City, MO 64108

Liaison Counsel's responsibilities include, but are not limited to, the following:

- a. Act as the primary contact between the Court and plaintiffs' counsel;

- b.** Maintain an up-to-date comprehensive Service List of plaintiffs and promptly advise the Court and defense counsel of any changes to plaintiffs' Service List;
- c.** Receive and distribute to plaintiffs' counsel, as appropriate, Orders, notices, and correspondence from the Court to the extent such documents are not electronically filed;
- d.** Receive and distribute to plaintiffs' counsel, as appropriate, discovery, pleadings, correspondence, and other documents from opposing counsel that are not electronically filed;
- e.** Establish and maintain a document depository;
- f.** Maintain and make available to co-counsel at reasonable hours a complete file of all documents served by or upon each party;
- g.** Assist other leadership counsel in resolving scheduling conflicts among the parties and coordinating activities, discovery, meetings, and hearings;
- h.** Maintain a file-endorsed copy of this Order, and serve the same on the parties and/or their attorneys in actions later instituted in, removed to, or transferred to these proceedings; and
- i.** Perform such other functions as necessary to effectuate these responsibilities or as may be expressly authorized by further Order of the Court.

Liaison Counsel shall not have the right to bind any party (except Liaison Counsel's own client(s)) as to any matter without the consent of retained counsel for that party. Further, Liaison

Counsel shall remain free to represent the interests and positions of their clients free of any claim (including without limitation any claim of conflict) arising from service as Liaison Counsel.

3. Executive Committee¹

Kaleigh N. Boyd
Tousley Brian Stephens PLLC
1200 5th Ave., Ste. 1700
Seattle, WA 98101

Thomas P. Cartmell
Wagstaff & Cartmell
4740 Grand Ave., Ste. 300
Kansas City, MO 64112

Thomas Loeser
Hagens Berman Sobol Shapiro LLP
1301 2nd Ave., Ste. 2000
Seattle, WA 98101

Candace N. Smith
Herman Jones LLP
3424 Peachtree Road NE, Ste. 1650
Atlanta, GA 30326

The Executive Committee's responsibilities include, but are not limited to, the following:

- a.** Work with other leadership counsel in the efficient prosecution of plaintiffs' claims and carry out such duties and responsibilities as appropriate;
- b.** Participate in common benefit work to advance the litigation, assigned and performed under the direction of Co-Lead Interim Class Counsel;
- c.** Meet and confer with Co-Lead Interim Class Counsel as needed to consult on any matter germane to this litigation;
- d.** Conduct and coordinate discovery in an efficient manner;

¹ The Court acknowledges the Executive Committee may have a limited role in the early stages of this litigation. Notwithstanding, because the class will benefit from the knowledge and experience of the Executive Committee appointed here, including as it relates to arbitration issues, Lead Counsel is encouraged seek out the Executive Committee's meaningful contribution, including as to litigation strategy.

- e. Prepare periodic status reports summarizing the Executive Committee's work and progress, to be submitted to Liaison Counsel for prompt distribution among plaintiffs' counsel; and
- f. Perform such other functions necessary to effectuate these responsibilities, as directed by Co-Lead Interim Class Counsel, or as may be expressly authorized by further Order of the Court.

It is the Court's intent that, as to all matters common to these coordinated cases, and to the fullest extent consistent with the independent fiduciary obligations owed by any and all plaintiffs' counsel to their clients and any putative class, pretrial proceedings shall be conducted by and through the Executive Committee.

The Court recognizes changes to the Executive Committee's organization may be necessary as the litigation progresses and new details emerge. The Court may amend or expand the Executive Committee upon request or on the Court's own if circumstances warrant.

The Executive Committee may organize subcommittees or other structures as necessary to aid in effective and efficient litigation as necessary. The Executive Committee may also delegate common benefit work responsibilities to other counsel, including those not appointed to a specific leadership position as part of this Order, as may be required for the common benefit of plaintiffs. To the extent non-leadership counsel's skill set or existing infrastructure will maximize the efficiency of this litigation, the Court encourages the Executive Committee to delegate common benefit work to non-leadership counsel at the Executive Committee's election. However, no common benefit work may be performed by non-leadership counsel without prior approval from Co-Lead Interim Class Counsel.

4. Other provisions

All appointments are of a personal nature and each appointee must assume personal responsibility for the performance of their duties. No other attorneys, including members of an appointee's law firm, may substitute for the appointee in the fulfillment of their exclusive duties, except with prior approval of the Court. The Court may add or replace appointees on their request, or on request of other leadership, or on its own if circumstances warrant.

All appointments are made for a period of one year. Counsel may apply for reappointment when their term expires. The Court will establish a reappointment application process at an appropriate time in advance of the expiration date of the appointments in this Order. Applications for reappointment will detail the nature and scope of the attorney's work on this litigation, including the time and resources expended in the course of the previous year-long appointment.

This Order shall not be interpreted as indicative of any decision relative to the issue of class certification.

All communications from Plaintiffs with the Court must be through Co-Lead Interim Class Counsel or Liaison Counsel. If circumstances require direct correspondence with the Court by individual counsel, counsel will notify Co-Lead Interim Class Counsel and Liaison Counsel of the circumstances before contacting the Court directly, and counsel shall simultaneously serve on Co-Lead Interim Class Counsel and Liaison Counsel counsel's direct communication with the Court.

Non-leadership counsel performing common benefit work at the direction of the Executive Committee must secure the express advance authorization from Co-Lead Interim Class Counsel for the performance of the specific common benefit work if assigned by the Executive Committee. Only where non-leadership counsel has obtained the express authorization of Co-Lead Interim

Class Counsel for the performance of the common benefit work is the non-leadership counsel's time and expense compensable. Accordingly, it is hereby

ORDERED plaintiffs' counsels' motions for appointment as leadership counsel (Docs. ##24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 35, 36) are resolved as set forth. Plaintiffs' leadership counsel are thus appointed. It is further

ORDERED Co-Lead Interim Class Counsel shall, on or before **January 29, 2024**, confer with other leadership counsel to establish counsel's working structure for the prosecution of Plaintiffs' claims. This initial conference among appointed plaintiffs' leadership counsel shall include discussion of, at a minimum, the allocation of responsibilities and a proposed billing protocol. It is further

ORDERED, consistent with the Court's October 6, 2023 Order, Plaintiffs shall file a master consolidated complaint by **February 22, 2024**. Thereafter, Defendants shall answer or otherwise respond to the master consolidated complaint under Fed. R. Civ. P. 12(b) and/or file any motions to compel arbitration on or before **April 8, 2024**. It is further

ORDERED discovery and/or other motion practice is STAYED until the Court rules on any motions challenging subject matter jurisdiction and/or any motions to compel arbitration. In the event Defendants do not challenge subject matter jurisdiction and/or to compel arbitration, the parties shall, by **April 8, 2024**, file a joint proposed scheduling order and discovery plan. It is further

ORDERED this case is set for status conference at the United States Courthouse in Kansas City, Missouri on **Wednesday, March 13, 2024 at 1:30 p.m.** Co-Lead Interim Class Counsel, Liaison Counsel, the Executive Committee, and counsel for Defendant shall attend the status conference. **The Court will provide the option for counsel to appear remotely for the**

conference. In the event counsel would seek to appear for the status conference via Zoom, counsel should contact the Courtroom Deputy by email by no later than 5:00 p.m. CST on Friday, March 8, 2024.

The parties shall meet and confer to prepare and file with the Court a joint proposed agenda for the status conference. The joint proposed agenda shall be filed by **March 4, 2024**, and may include, to the extent necessary or known, a joint proposed schedule for the exchange of arbitration discovery. It is further

ORDERED the Clerk of the Court is directed to send a copy of this Order to the Clerk of the Judicial Panel on Multidistrict Litigation.

IT IS SO ORDERED.

DATE: January 8, 2024

/s/ Brian C. Wimes

JUDGE BRIAN C. WIMES

UNITED STATES DISTRICT COURT