

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

Boycat, Inc., individually and on behalf of all
others similarly situated,

Plaintiff,

v.

Microsoft Corporation,

Defendant.

No. 2:25-cv-00088- RSM

**ORDER GRANTING
PLAINTIFFS' JOINT
UNOPPOSED MOTION FOR
APPOINTMENT OF INTERIM
CLASS COUNSEL PURSUANT
TO FRCP 23(G)**

1 Jennifer Brodiski, individually and on behalf of
all others similarly situated,

2 Plaintiff,

3 v.

4 Microsoft Corporation,

5 Defendant.

2:25-cv-00112-RSM

14 Shonna Coleman, individually and on behalf of
all others similarly situated,

15 Plaintiff,

16 v.

17 Microsoft Corporation,

18 Defendant.

2:25-cv-00137-RSM

22 Xavier Smith,

23 Plaintiff,

24 v.

25 Microsoft Corporation,

26 Defendant.

2:25-cv-00185-RSM

1 Storm Productions LLC, individually and on
behalf of all others similarly situated,

2 Plaintiff,

3 v.

4 Microsoft Corporation,

5 Defendant.

2:25-cv-00203-RSM

6 Just Josh Inc., individually and on behalf of all
7 others similarly situated,

8 Plaintiff,

9 v.

10 Microsoft Corporation,

11 Defendant.

2:25-cv-00205-RSM

12 Dana Bowling, individually and on behalf of all
13 others similarly situated,

14 Plaintiff,

15 v.

16 Microsoft Corporation,

17 Defendant.

2:25-cv-00209-RSM

18 Tessa Rhodes, individually and on behalf of all
19 others similarly situated,

20 Plaintiff,

21 v.

22 Microsoft Corporation,

23 Defendant.

2:25-cv-00306-RSM

1 Eddie Blotnicki, *et al.*, individually and on behalf
of all others similarly situated,

2 Plaintiffs,

3 v.

4 Microsoft Corporation,

5 Defendant.

2:25-cv-00349-RSM

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8 THIS MATTER, having come before the Court by Plaintiffs' Joint Motion for
9 Appointment of Interim Class Counsel Pursuant to FRCP 23(g) and supporting materials, the
10 criteria set forth in Federal Rule of Civil Procedure 23(g), IT IS ORDERED that the Motion is
11 GRANTED as set forth below.

12 1. The Court hereby appoints Jason T. Dennett of Tousley Brain Stephens PLLC,
13 Gary M. Klinger of Milberg Coleman Bryson Phillips Grossman, PLLC, Adam Polk of Girard
14 Sharp LLP, and Derek W. Loeser of Keller Rohrback L.L.P. as Interim Class Counsel to act on
15 behalf of the Plaintiffs and the putative class of online content creators with the responsibilities
16 set forth below:

- 17 a. To oversee case management and develop and implement a litigation plan,
18 including strategic planning in all respects relating to Class claims, which
19 shall be directed via careful oversight and management of all work on behalf
20 of the Class;
- 21 b. To draft, authorize, sign and file all pleadings and motions related to all
22 actions on behalf of the Class, including but not limited to all cases
23 consolidated in this Court, and any appellate or amicus briefs;
- 24 c. To assess and select class representatives and determine the claims brought
25 on behalf of the Class;
- 26 d. To communicate with plaintiffs and the Class regarding the status of the
pending action;

- e. To propound, seek and respond to discovery, including but not limited to written discovery, the taking or defending of depositions, and motion practice related thereto;
- f. To conduct informal discovery, including but not limited to informal investigation and related activities needed to support plaintiffs' claims;
- g. To take steps necessary to effectuate litigation to pursue Class claims, including managing document review and analysis and any other logistical matters that support formal and informal discovery efforts in this action;
- h. To retain vendors, experts and consultants on behalf of the Class;
- i. To enter into stipulations, agreements and joint prosecution agreements on behalf of the Class;
- j. To implement and enforce a protocol for attorneys' fees, expenses, and/or costs for the Court's approval to ensure that fees, expenses, and/or costs incurred are reasonable and necessary to the litigation;
- k. To engage in settlement discussions and enter into settlement on behalf of the Class and to propose a plan of allocation;
- l. To coordinate with plaintiffs' counsel in management of the litigation and fund the necessary and appropriate costs of discovery and other common benefit efforts;
- m. To allocate fees and expenses among Class Counsel and any other counsel whose engagement has been approved by the Court for purposes of any submission to the Court for reimbursement and compensation, and following the award of any such fees and expenses, for disbursement to counsel, including the determination for common benefit work; and
- n. To conduct all tasks ancillary and necessary to the above duties and any other duty as the Court may order.

1 Jason T. Dennett of Tousley Brain Stephens PLLC, Gary M. Klinger of Milberg Coleman
2 Bryson Phillips Grossman, PLLC, Adam Polk of Girard Sharp LLP, and Derek W. Loeser of
3 Keller Rohrback L.L.P are hereby designated as Interim Class Counsel pursuant to FRCP 23(g)
4 to “act on behalf of a putative class before determining whether to certify the class as a class
5 action.” Fed. R. Civ. P. 23(g)(3).

6 2. Unless otherwise ordered by the Court upon a showing of good cause, this Order
7 shall apply to any action filed, transferred to, or removed to this Court which relates to the
8 subject matter at issue is the above-captioned cases.

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10 ORDERED this 3rd day of March, 2025.

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13 RICARDO S. MARTINEZ
14 UNITED STATES DISTRICT JUDGE
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