

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

IN RE DOMESTIC AIRLINE TRAVEL  
ANTITRUST LITIGATION

This Document Relates To:

ALL CASES

**MDL Docket No. 2656  
Misc. No. 15-1404 (CKK)**

**ORDER APPOINTING PLAINTIFFS' INTERIM CLASS COUNSEL**  
(February 4, 2016)

On December 7, 2015, this Court issued an [38] Order setting forth the process for the Court's consideration of those seeking appointment as Plaintiffs' Interim Class Counsel. In response to its Order, the Court received four motions from counsel seeking to be appointed as either Plaintiffs' Interim Class Counsel or Co-Counsel: the [57] Application to Appoint Joseph M. Alioto Plaintiffs' Interim Class Counsel and Memorandum in Support ("Alioto proposal"); the [58] Plaintiffs' Lavin, Yeninas, King and Jung's Motion for Appointment of Hausfeld LLP and Cotchett, Pitre & McCarthy, LLP as Interim Co-Lead Counsel and request for Executive Committee ("Hausfeld/Cotchett proposal"); the [59] Motion to Appoint Robbins Geller Rudman & Dowd LLP and Labaton Sucharow LLP as Interim Class Counsel ("Robbins/Labaton proposal"); and the [60] Notice of Application to Appoint Stephen R. Neuwirth of Quinn Emanuel Urquhart & Sullivan, LLP as Interim Lead Class Counsel and to Appoint Executive Committee ("Quinn Emanuel proposal"). The four motions proposed different structures for leadership among Plaintiffs' counsel, including recommendations for Lead or Co-Lead counsel and, in some instances, for the establishment of an Executive Committee. Each of the applicants for Plaintiffs' Interim Class Counsel also filed a response, distinguishing their proposed leadership structure from

those advanced by the other applicants. Additionally, one group of Plaintiffs not seeking appointment as Plaintiffs' Interim Class Counsel filed a response in support of the Hausfeld/Cotchett proposal. Corr. Resp. to Pls. Boston Amateur Basketball Club III, Ltd., et al in Supp. of Appt. of Hausfeld, LLP & Cotchett, Pitre & McCarthy, LLP as Interim Co-Lead Counsel, ECF No. [70]. It should be noted that in the pleadings supplied by Quinn Emanuel, Plaintiffs' law firms were identified that supported that proposal.

In the applicants' written pleadings, each addressed the nine criteria that the Court indicated it would consider in selecting Plaintiffs' Interim Class Counsel: the work counsel has done in identifying or investigating potential claims in the action; counsel's experience in handling class actions, other complex litigation, and the types of claims asserted in the action; counsel's knowledge of the applicable law; the resources that counsel will commit to representing the class; counsel's ability to fund the litigation; the absence of conflicts with different interests on Plaintiffs' side; counsel's ability to command the confidence of his or her colleagues; counsel's ability to work cooperatively with the Court and opposing counsel; and the need for people with diverse skill sets and viewpoints who can add to the value of the overall representation.

After reviewing the written pleadings, the Court held a 3-hour hearing on February 3, 2016, to discuss general questions, focusing primarily on management style, structure, and finances, which the Court had with respect to each of the proposals. At the hearing, Michael Hausfeld and Steven Williams of the Hausfeld/Cotchett proposal, Stephen Neuwirth of the Quinn Emanuel proposal, Patrick Coughlin and Jay Himes of the Robbins/Labatton proposal, and Joseph Alioto of the Alioto proposal responded to the Court's questions regarding their proposals. Defense counsel indicated that they had experience working well with the applicants for Plaintiffs' Interim Class

Counsel, and expressed their need for a clear line of communication with Plaintiffs' Interim Class Counsel. At the end of the hearing, Lesley Weaver of Block & Leviton LLP addressed the Court in support of the Hausfeld/Cotchett proposal and John Malkinson of Malkinson & Halpern, P.C. addressed the Court in support of the Quinn Emanuel proposal.

All the applicants have a wealth of experience and are highly qualified representatives of the national antitrust bar. The Court appreciates the time each applicant put in to providing a thoughtful proposal as to how to manage the leadership of this case from the Plaintiffs' perspective. Indeed, each applicant demonstrated civility, professionalism, and collegiality and, importantly, expressed a desire to accommodate differing points of view and approaches as this matter proceeds. As such, the Court is confident that all of the lawyers presented as possible Plaintiffs' Interim Class Counsel as well as the lawyers identified as proposed Executive Committee members will be able to make important contributions to this case.

After careful consideration of the pleadings and the responses and information provided during the hearing, the Court appoints Michael Hausfeld of Hausfeld, LLP and Steven Williams of Cotchett, Pitre & McCarthy, LLP as Plaintiffs' Co-Lead Interim Class Counsel to perform the duties as described in the Court's [38] Order of December 7, 2015. As set forth in the Hausfeld/Cotchett proposal, the Court appoints Elizabeth Cabraser of Lieff, Cabraser, Heimann & Bernstein, LLP, Robert Kaplan of Kaplan, Fox & Kilsheimer LLP, and Warren Burns of Burns Charest LLP to Plaintiffs' Executive Committee.

These designations shall remain for a period of one year until February 7, 2017, or until certification of the class in the instant action, whichever is sooner. In the event that the class has not been certified by February 7, 2017, and this litigation remains ongoing, the Court shall either

reappoint or select new Plaintiffs' Interim Class Counsel to act on Plaintiffs' behalf. The Court notes that the considerable talent of the applicants who were not selected should be considered and tapped given that each has provided thoughtful and carefully developed strategy suggestions. At a future time, the Court may suggest that other applicants who were not selected be placed in managerial positions.

**IT IS SO ORDERED.**

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**COLLEEN KOLLAR-KOTELLY**  
UNITED STATES DISTRICT JUDGE