

CPM Awarded Co-Lead Counsel in Lenovo MDL Case

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Cotchett Pitre & McCarthy LLP, Girard Gibbs LLP and Pritzker Levine LLP beat a slew of other firms to nab the role of interim co-lead counsel for the plaintiffs in multidistrict litigation accusing Lenovo Inc. of secretly installing user information-harvesting software, according to an order filed Monday in California federal court.

U.S. District Judge Ronald M. Whyte found that the three firms were headquartered in the district where the case is being heard, and that the attorneys proposed to head up litigation are based in Northern California, according to his order.

Further, he said, “while appointment of interim lead counsel is not a popularity contest,” the three selected firms had shown that a majority of plaintiffs have supported them in their role throughout the litigation, demonstrating that they could work cooperatively with the plaintiffs.

“The fact that these movants have consistently enjoyed the support of a substantial majority of the plaintiffs and their counsel throughout this litigation is indicative of their ability to work cooperatively on behalf of the many plaintiffs in this case, and to work in their best interests,” Judge Whyte wrote in the order.

The trio beat out competition from Robbins Geller Rudman & Dowd LLP, Edelson PC, the Joseph Saveri Law Firm, Block & Leviton LLP, and Van Laningham Duncan PLLC, according to Judge Whyte’s order, in part because of proximity to the court itself.

The firms that weren’t selected were no slouches, the judge said. But the chosen three had shown already that they could work with a majority of the plaintiffs, according to the order. **More than 80 plaintiffs** had thrown their support behind the chosen trio, Jonathan Levine of Pritzker

Practice Areas

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Levine had said at oral argument.

“There is no question that all candidates are capable and accomplished advocates, with extensive experience in complex litigation, including class actions and cases involving technology and privacy claims,” Judge Whyte wrote.

The judge said in a hearing on which counsel would take the helm earlier this month that choosing the leaders would be a “tough call.”

The litigation was filed after a report in February brought to light that adware produced by co-defendant Superfish Inc. had been surreptitiously pre-installed on Lenovo computers. The "malicious" adware allegedly violates federal privacy laws by intercepting users' behavioral data, including browsing history and electronic communications sent or received by their computers, to inject targeted advertising into users' browsing sessions.

The suits allege that the adware creates "severe" security issues for users accessing the Internet because it breaks the computer's otherwise secure encryption keys and replaces them with Superfish's own insecure common keys.

The Joint Panel on Multidistrict Litigation **forwarded the litigation to California** in June.

The firms declined to comment on Tuesday.

The plaintiffs are represented by Pritzker Levine LLP, Cotchett Pitre & McCarthy LLP, and Girard Gibbs LLP.

Lenovo is represented by Daniel J. Stephenson of Dykema Gossett PLLC. Superfish is represented by Rodger R. Cole of Fenwick & West LLP.

The case is In re: Lenovo Adware Litigation, case number 5:15-md-02624, in the U.S. District Court for the Northern District of California.