

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

In re: Accreditation Commission for
Education in Nursing Data Breach
Litigation

Case No: 1:23-cv-03337-LMM

This Document Relates to:
Case No. 1:23-cv-03337-LMM
Case No. 1:23-CV-03403-LMM

JURY TRIAL DEMANDED

ORDER APPOINTING LEAD COUNSEL

This matter comes before the Court on Plaintiffs' unopposed Amended Motion to Appoint Interim Class Counsel ("Motion") [[Doc. 15](#)] pursuant to Rule 23(g) of the Federal Rules of Civil Procedure. The Court determines that interim counsel is necessary to clarify the responsibility for protecting the interests of the class during precertification activities.

Accordingly, because this Court finds that William B. Federman of Federman & Sherwood will adequately represent the class and protect the interest of the class during precertification activities as interim lead class counsel and David Hungeling of Hungeling Rubenfield Law will adequately represent the class and protect the

interest of the class during precertification activities as interim liaison counsel, **IT IS HEREBY ORDERED** that the Motion is **GRANTED**.

IT IS FURTHER ORDERED as follows:

1. The Court hereby appoints William B. Federman of Federman & Sherwood as interim lead class counsel to act on behalf of the Plaintiffs and the putative Class with the responsibilities set forth below:

- a. Determine and present (in briefs, oral argument, or such other fashion as may be appropriate, personally or by a designee) to the Court and opposing parties the position of the Plaintiffs on all matters arising during pretrial proceedings;
- b. Coordinate the initiation and conduct of discovery on behalf of Plaintiffs and the Class consistent with the requirements of the Federal Rules of Civil Procedure;
- c. Convene meetings amongst counsel;
- d. Conduct settlement negotiations on behalf of Plaintiffs and the putative Class;
- e. Delegate tasks to other plaintiffs' counsel as needed and appropriate in a manner to ensure that pretrial preparation for Plaintiffs and the putative Class is conducted efficiently and effectively;

- f. Negotiate and enter into stipulations with opposing counsel as necessary for the conduct and efficient advancement of the litigation;
- g. Monitor the activities of all counsel to ensure that schedules and litigation deadlines are being met and unnecessary expenditures of time and funds are avoided;
- h. Ensure that all counsel comport with the billing and expense protocol being used by the leadership team and that will be submitted to the Court for approval;
- i. Perform such other duties as may be incidental to the proper coordination of Plaintiffs' pretrial activities or authorized by further order of this Court;
- j. Serve as the primary contact for communications between the Court and other plaintiffs' counsel;
- k. Ensure that all notices, orders, and material communications are properly distributed (to the extent that they are not otherwise served on Plaintiffs' counsel via the Court's electronic filing system);
- l. Communicate with defense counsel as necessary to promote the efficient advancement of this litigation; and

m. Performing all other duties or tasks as are necessary to the prosecution of this matter on behalf of the putative Class.

2. The Court hereby appoints David Hungeling of Hungeling Rubenfield Law as interim liaison counsel with the responsibilities set forth below:

- a. Maintain and distribute to co-counsel and to Defendant's liaison counsel an up-to-date service list;
- b. Receive and, as appropriate, distribute to co-counsel orders from the Court and documents from opposing parties and counsel;
- c. Maintain and make available to co-counsel at reasonable hours a complete file of all documents served by or upon each party except such documents as may be available at a document depository;
- d. Establish and maintain a document depository; and
- e. Perform such other duties that may be incidental to proper coordination of Plaintiffs' pretrial activities or authorized by lead interim class counsel.

Because the Court is ruling on the Amended Motion to Appoint Interim Class Counsel, Plaintiffs' original Motion to Appoint Interim Class Counsel [Dkt. 6] is **DENIED** as **MOOT**.

IT IS SO ORDERED.

Dated: October 4, 2023

A handwritten signature in blue ink, reading "Leigh Martin May", is written over a horizontal line.

HONORABLE LEIGH MARTIN MAY
UNITED STATES DISTRICT JUDGE