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UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

AUG 22 2017

AT 8:30 ^{AM}
WILLIAM T. WALSH
CLERK

Civil Action No. 17-2779 (MAS) (TJB)

IN RE: FIELDTURF ARTIFICIAL TURF
MARKETING PRACTICES LITIGATION

**ORDER APPOINTING LEAD
COUNSEL AND PLAINTIFFS'
EXECUTIVE COMMITTEE**

On June 30, 2017, the Court entered an order requesting that Plaintiffs submit applications related to the appointment of Lead Counsel and Plaintiffs' leadership structure to manage Plaintiffs' pretrial activities in this MDL. (ECF No. 31.) Upon review of the joint submission regarding the proposed leadership structure for Plaintiffs, the Court scheduled a telephone conference for July 13, 2017. (ECF No. 36.) Following instructions from the Court, Plaintiffs submitted correspondence related to the appointment of interim lead counsel pursuant to Federal Rule of Civil Procedure 23(g)(3). (ECF Nos. 42-44, 52-58.) The Court has considered all of the individual and joint applications, together with the qualifications and experience of each applicant. Accordingly,

IT IS on this 22nd day of August 2017, **ORDERED** that the Court appoints¹ the following attorneys:

¹ The Court's decision is based upon the representations that the participating attorneys are qualified to serve in these roles, and that these appointments are necessary to promote, among other things, efficiency. To that end, should any inefficiencies based upon this structure be brought to the attention of the Court, the parties are advised that the Court reserves the right to amend the structure of the committees during the pendency of these MDL proceedings.

I. ORGANIZATION OF PLAINTIFFS' COUNSEL

A. Plaintiffs' Co-Lead Counsel²

The Court designates the following to serve as Plaintiffs' Co-Lead Counsel:

Christopher A. Seeger
Seeger Weiss
New York

Adam M. Moskowitz
Kozyak Tropin & Throckmorton
Florida

B. Plaintiffs' Liaison Counsel

The Court designates the following to serve as Plaintiffs' Liaison Counsel:

James E. Cecchi
Carella, Byrne, Cecchi, Olstein, Brody & Agnello
New Jersey

By August 29, 2017, Plaintiffs' Liaison Counsel shall electronically file a list of the appointed counsel that includes: (1) counsel's name, (2) firm, (3) firm's address, (4) telephone number, and (5) email address.

C. Plaintiffs' Executive Committee³ ("EC")

The Court designates the following to serve as Plaintiffs' Executive Counsel:

Lawrence E. Bathgate II
Bathgate Wegener & Wolf, P.C.
New Jersey

Steve W. Berman
Hagens Berman Sobol Shapiro
Washington, D.C.

² Steve W. Berman will serve as the third appointee to the Co-Lead Counsel position should this MDL litigation grow in size. To that end, the parties are advised that the Court reserves the right to amend the structure of the Co-Lead Counsel during the pendency of these MDL proceedings.

³ The appointments to the EC are personal in nature. Accordingly, the above appointees may not be substituted by other attorneys, including members of the appointee's law firm, to perform the EC's exclusive functions, such as committee meetings and court appearances, except with prior approval of the Court. Further, the Court may add or replace members upon request from the EC, or on its own, if and as circumstances warrant.

Daniel K. Bryson
Whitfield Bryson & Mason
North Carolina

Michael Critchley, Sr.
Critchley, Kinum & DeNoia, LLC
New Jersey

Mark J. Dearman
Robbins Geller Rudman & Dowd LLP
Florida

Lance J. Kalik
Riker, Danzig, Scherer, Hyland & Perretti, LLP
New Jersey

Alexander Robertson IV
Robertson & Associates
California

Brian C. Gudmundson
Zimmerman Reed LLP
Minnesota

II. DUTIES OF PLAINTIFFS' COUNSEL

Plaintiffs' counsel shall have the following duties and responsibilities:

A. Plaintiffs' Co-Lead Counsel shall oversee the overall conduct of this litigation on behalf of Plaintiffs and shall have the following responsibilities:

1. Coordinate and direct the preparation of pleadings;
2. Coordinate and direct the briefing and argument of motions;
3. Conduct, in conjunction with counsel for individual plaintiffs desiring to participate therein, all discovery in a coordinated manner;
4. Ensure the coordinated prosecution of the consolidated actions to eliminate duplication;
5. Call and conduct meetings of counsel;
6. Communicate with Defendants' counsel;
7. Act as spokesperson for Plaintiffs at pretrial proceedings;
8. Retain experts;
9. Arrange for litigation support services;
10. Conduct any and all settlement negotiations with counsel for Defendants;
11. Coordinate and direct the preparation for trial and trial of this matter;


12. Delegate work responsibilities to Plaintiffs' counsel as may be necessary;
13. Take steps to ensure that there is no duplication of efforts or unnecessary expense incurred among Plaintiffs' counsel;
14. Coordinate and direct any other matters concerning the prosecution or resolution of this litigation;
15. Allocate attorneys' fees, if any are awarded by the Court; and
16. Perform such other functions as may be expressly authorized by further orders of the Court including establishing appropriate internal time-keeping protocols.

B. Plaintiffs' Liaison Counsel shall be responsible for coordinating all activities and appearances on behalf of Plaintiffs with the Court and for the dissemination of notices and orders of the Court, as well as for communications to and from the Court. Liaison Counsel shall further be responsible for creating and maintaining a master service list of all parties and their counsel.

C. Plaintiffs' Executive Committee shall be responsible for performing tasks required in connection with the prosecution of Plaintiffs' claims under the supervision and direction of Plaintiffs' Co-Lead Counsel.

III. Amended Consolidated Class Complaint: In accordance with the Court's instructions during the June 28, 2017 Initial Case Management Conference and the Court's July 28,

2017 Order, Plaintiffs shall electronically file an amended consolidated case action complaint by **October 6, 2017**, which is forty-five (45) days from the date of this Order.



MICHAEL A. SHIPP
UNITED STATES DISTRICT JUDGE