

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BYRON MCKNIGHT,
Plaintiff,
v.
UBER TECHNOLOGIES, INC., et al.,
Defendants.

Case No. 14-cv-05615-JST

**ORDER REQUESTING AMICUS
BRIEFING**

On August 13, 2019, the Court granted final approval of the parties’ settlement. ECF No. 189. On September 2, 2021, the Court granted in part and denied in part Plaintiffs’ motions for attorney’s fees. ECF No. 236. Objectors Jennifer Hinojosa and Robert Hudson thereafter appealed the fee award order to the Ninth Circuit. ECF Nos. 239, 241. On February 16, 2022, Hinojosa and Hudson filed a motion for “indicative ruling that Rule 23(e)(5)(B) [of the Federal Rules of Civil Procedure] does not apply in the context of an objection to Class Counsel’s fee request or an appeal of the amount of attorney’s fees only.” ECF No. 253 at 3. Objectors cite no case authority in support of their position. No opposition to the motion has been filed.¹

The Court has the inherent authority to designate amici curiae to assist it in a proceeding. *United States v. Providence J. Co.*, 485 U.S. 693, 704 (1988). “An amicus aids the court in cases of public interest by insuring a complete and plenary presentation of difficult issues so that the court may reach a proper decision.” *Williams v. Diaz*, No. 03-CV-634 WQH (PCL), 2006 WL 8441761, at *2 (S.D. Cal. Mar. 2, 2006) (quoting *Alexander v. Hall*, 64 F.R.D. 152, 155 (D.S.C.

¹ A document entitled “opposition” was filed, but its purpose is to correct statements Objectors Hinojosa and Hudson made concerning another objector’s litigation position. See ECF No. 254. It does not oppose the relief requested in the motion.

1 1974)). The district court has broad discretion regarding the appointment of amici. *Hoptowit v.*
2 *Ray*, 682 F.2d 1237, 1260 (9th Cir. 1982); *In re Roxford Foods Litig.*, 790 F. Supp. 987, 997 (E.D.
3 Cal. 1991) (“The privilege of being heard amicus rests solely within the discretion of the court[.]”
4 (citation omitted)). In this case, given the lack of opposition to the motion, the importance of the
5 issue it presents, and the likelihood the issue will recur, the filing of amicus briefs would be useful
6 to the Court.

7 The American Association for Justice, Lawyers for Civil Justice, Impact Fund, U.S.
8 Chamber Litigation Center, and the Center for Class Action Fairness are invited to file amicus
9 curiae briefs with regard to whether Rule 23(e)(5)(B) of the Federal Rules of Civil Procedure
10 applies to an objection to Class Counsel’s fee request or an appeal of the amount of attorney’s fees
11 only, as presented by the Objectors’ motion.

12 Each amicus curiae brief is not to exceed fifteen pages and will be due on April 29, 2022.
13 Counsel for the parties and Objectors Hinojosa and Hudson may, but are not required to, reply to
14 the amicus briefs. Reply briefs will be limited to fifteen pages per side and will be due on May
15 20, 2022. The clerk shall serve this order on the following persons by email and regular mail:

16 Linda Lipsen
17 Chief Executive Officer
18 American Association for Justice
19 777 6th Street, NW, Suite 200
20 Washington, DC 20001
21 anji.jesseramsing@justice.org

22 Theodore H. Frank
23 Director
24 Center for Class Action Fairness
25 1629 K Street, NW, Suite 300
26 Washington, DC 20006
27 ted.frank@hlli.org

28 Lindsay Nako
Director of Litigation and Training
Impact Fund
2080 Addison Street, Suite 5
Berkeley, CA 94704-1692
lnako@impactfund.org

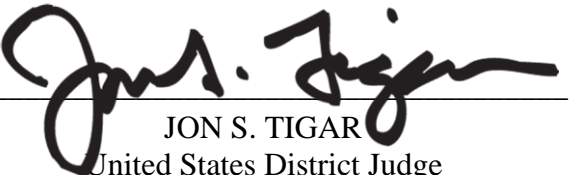
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Alex Dahl
General Counsel
Lawyers for Civil Justice
1530 Wilson Blvd., Suite 1030
Arlington, Virginia, US 22209
alex@strategicpolicycounsel.com

Daryl Joseffer
Executive Vice President and Chief Counsel
U.S. Chamber Litigation Center
1615 H Street, N.W.
Washington, D.C. 20062
djoseffer@uschamber.com

IT IS SO ORDERED.

Dated: March 21, 2022



JON S. TIGAR
United States District Judge