

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

In re Boyle Heights Warehouse Fire

Case No. 2:26-cv-07375-WLH-DMK

**ORDER GRANTING
APPLICATION TO APPOINT
INTERIM CLASS COUNSEL [44]**

In this consolidated proposed class action, Plaintiffs filed an Application to Appoint Interim Class Counsel, requesting appointment of McCune Law Group, APC and Ahdoot & Wolfson, PC as Interim Co-Lead Class Counsel, and Zimmerman Reed LLP, Win Injury & Accident Trial Lawyers and Trujillo & Winnick LLP as members of a Plaintiffs' Steering Committee. (Dkt. No. 44). For the reasons set forth below, the Court **GRANTS** the Application.

I. DISCUSSION

A. Legal Standard

Federal Rule of Civil Procedure 23(g)(3) authorizes the Court to “designate interim counsel to act on behalf of a putative class before determining whether to certify the action as a class action.” Fed. R. Civ. P. 23(g)(3). “Instances in which interim class counsel is appointed are those in which overlapping, duplicative, or competing class suits are pending before a court, so that appointment of interim counsel is necessary to protect the interests of class members.” *White v. TransUnion*,

1 *LLC*, 239 F.R.D. 681, 683 (C.D. Cal. 2006) (citing Manual for Complex Litigation
2 (Fourth) § 21.11 (2004)).

3 Although Rule 23(g)(3) does not specify the standard governing appointment of
4 interim counsel, courts may consider the factors set forth in Rule 23(g)(1). The
5 factors include: “(i) the work counsel has done in identifying or investigating potential
6 claims in the action; (ii) counsel’s experience in handling class actions, other complex
7 litigation, and the types of claims asserted in the action; (iii) counsel’s knowledge of
8 the applicable law; and (iv) the resources that counsel will commit to representing the
9 class.” Fed. R. Civ. P. 23(g)(1)(A). The Court may also “consider any other matter
10 pertinent to counsel’s ability to fairly and adequately represent the interests of the
11 class.” Fed. R. Civ. P. 23(g)(1)(B).

12 **B. Analysis**

13 Having considered the Application and the factors set forth in Rule 23(g)(1), the
14 Court finds that the proposed leadership has demonstrated substantial work in
15 identifying, investigating and advancing the claims in this action. Counsel’s efforts
16 include filing a Notice of Related Cases to bring the related actions before a single
17 court; reaching agreement with Defendants concerning consolidation of the related
18 actions, a schedule for a consolidated complaint and responses, and a procedure for
19 appointment of lead counsel; undertaking efforts to preserve evidence at and
20 concerning the site; and retaining experts to secure and analyze physical evidence.

21 The Court further finds that the proposed leadership has demonstrated
22 significant experience in complex, multi-party class actions involving environmental,
23 product-liability, and trespass and nuisance claims, as well as other areas relevant to
24 this action. Proposed Interim Co-Lead Class Counsel were also recently appointed to
25 the same roles in *In re Garden Grove Chemical Plant Evacuation*, No. 8:26-cv-
26 01293-MRA-KES (C.D. Cal.). The proposed leadership has demonstrated knowledge
27 of the applicable law and represented that it will commit the human and financial
28 resources necessary to effectively represent the putative class.

II. CONCLUSION

Accordingly, the Court finds that the proposed leadership satisfies the relevant considerations under Rule 23(g) and **APPOINTS**:

1. McCune Law Group, APC and Ahdoot & Wolfson, PC as Interim Co-Lead Class Counsel; and
2. Zimmerman Reed LLP, Win Injury & Accident Trial Lawyers and Trujillo & Winnick LLP as Plaintiffs' Steering Committee.

Interim Co-Lead Class Counsel shall have authority on behalf of Plaintiffs and proposed class to conduct all pretrial and trial work in the consolidated action, including preparation of pleadings, discovery, settlement negotiations and other pretrial and trial proceedings. Interim Co-Lead Class Counsel shall keep the full leadership group reasonably informed of developments in the case and shall consult the full leadership group on major issues in an advisory capacity. Interim Co-Lead Class Counsel shall, however, have exclusive authority and responsibility for overseeing the following:

1. Directing overall case strategy, scheduling and case management for Plaintiffs and the proposed class;
2. Investigating claims on behalf of Plaintiffs and the proposed class;
3. Drafting the consolidated complaints and any amended complaints, including identifying claims to be made in such complaints and selecting class representatives;
4. Coordinating and conducting all discovery;
5. Determining and presenting (in briefs, oral argument or any such other fashion as may be appropriate, personally or by a designee) to the Court and opposing parties the position of Plaintiffs and the proposed class on all matters;
6. Drafting and serving all pleadings and filings, including briefs, legal memoranda and discovery requests either personally or by a designee;

7. Conducting arguments, court hearings and appearances;
8. Communicating with opposing counsel, governmental and regulatory authorities and the Court;
9. Hiring consultants, vendors and other litigation professionals;
10. Retaining experts and preparing reports;
11. Assessing common litigation costs and collecting such assessments;
12. Regulating the work assignments and work to maximize the effectiveness and efficiency of the firms working on the case;
13. Initiating and conducting settlement discussions with any opposing party;
14. Making recommendations concerning the allocation of any attorneys' fees awarded by the Court;
15. Establishing attorney time and expense reporting protocols, subject to Court approval;
16. Preparing and maintaining comprehensive, contemporaneous billing records and expense reports on behalf of all counsel submitting time and expenses in this matter, including recommendations to the Court as to what fees and expenses should be awarded in this matter; and
17. Ensuring that work assignments are made only to firms that are current in submitting required time and expense records and paying any authorized assessments.

IT IS SO ORDERED.

Dated: September 22, 2026



HON. WESLEY L. HSU
UNITED STATES DISTRICT JUDGE