

In the United States Court of Federal Claims

No. 16-259C
(Filed: October 25, 2016)

HEALTH REPUBLIC INSURANCE *
COMPANY, *
*
Plaintiff, *
*
v. *
*
THE UNITED STATES, *
*
Defendant. *

ORDER

On October 24, 2016, the parties in the above-captioned case filed a “Joint Motion Regarding Interim Class Counsel and Class Certification Briefing.” In their motion, the parties first indicate that defendant does not oppose plaintiff’s motion to appoint Quinn Emanuel Urquhart & Sullivan, LLP as interim class counsel pursuant to Rule 23(g)(3) of the Rules of the United States Court of Federal Claims (“RCFC”). When deciding whether to appoint interim class counsel, courts typically consider the factors set forth in RCFC 23(g) that apply when appointing permanent class counsel. *See, e.g., Buonasera v. Honest Co.*, No. 16 Civ. 1125(VM), 2016 WL 3647601, at *1 (S.D.N.Y. June 22, 2016) (“When appointing interim class counsel, courts generally look to the same factors used in determining the adequacy of class counsel”). Under RCFC 23(g)(1)(A), the court must consider:

- (i) the work counsel has done in identifying or investigating potential claims in the action;
- (ii) counsel’s experience in handling class actions, other complex litigation, and the types of claims asserted in the action;
- (iii) counsel’s knowledge of the applicable law; and
- (iv) the resources that counsel will commit to representing the class[.]

In addition, under RCFC 23(g)(1)(B), the court “may consider any other matter pertinent to counsel’s ability to fairly and adequately represent the interests of the class[.]” Finally, a court must determine pursuant to RCFC 23(g)(4) that proposed class counsel will “fairly and adequately represent the interests of the class.” Based on its review of plaintiff’s motion to appoint interim class counsel and supporting exhibits, and in light of defendant’s representation that it does not object to plaintiff’s motion, the court finds that Quinn Emanuel Urquhart &

Sullivan, LLP is qualified to serve as interim class counsel and will fairly and adequately represent the putative class's interests. Accordingly, the court **GRANTS** plaintiff's motion to appoint interim class counsel and **APPOINTS** Quinn Emanuel Urquhart & Sullivan, LLP as interim class counsel.¹

The parties further request in their joint motion that the schedule for briefing plaintiff's motion for class certification be enlarged. This request is **GRANTED**. Defendant shall respond to plaintiff's motion for class certification by **no later Friday, December 23, 2016**, and plaintiff shall file a reply in support of its motion by **no later than Friday, January 13, 2017**.

IT IS SO ORDERED.

s/ Margaret M. Sweeney
MARGARET M. SWEENEY
Judge

¹ Notwithstanding the appointment of Quinn Emanuel Urquhart & Sullivan, LLP as interim class counsel, all filings made by plaintiff on behalf of the putative class shall continue to be signed by plaintiff's attorney of record, Stephen Swedlow. See RCFC 83.1(c)(1)-(2) ("A party may have only one attorney of record in a case at any one time All filings must be signed in the attorney of record's name.").