

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:23-cv-422-MOC-DCK**

IN RE: BANK OF AMERICA  
UNAUTHORIZED ACCOUNT OPENING  
LITIGATION

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**THIS MATTER** is before the Court on a Motion to Appoint Co-Lead Interim Class Counsel, filed by Plaintiffs Robert Schak, David Conaway, Jessica Stripling and Miedo Donque (collectively, the “Plaintiffs”). (Doc. No. 51). The Court **GRANTS** Plaintiffs’ Motion.

**ACCORDINGLY, IT IS HEREBY ORDERED that:**

Pursuant to Fed. R. Civ. P. 23(g), Abou B. Amara, Jr. of Gustafson Gluek PLLC, Lesley E. Weaver of Bleichmar Fonti & Auld LLP, and Hassan Zavareei of Tycko & Zavareei LLP are **APPOINTED** as Co-Lead Interim Class Counsel; and Gary W. Jackson of the Law Offices of James Scott Farrin is **APPOINTED** as Interim Liaison Counsel (collectively “Co-Lead Interim Class Counsel”).

The Court finds, based on review of Plaintiffs’ Motion that Co-Lead Interim Class Counsel meet the criteria set forth in Fed. R. Civ. P. 23(g)(1) and that Co-Lead Interim Class Counsel have performed substantial work on behalf of the proposed class(es), have sufficient experience and applicable knowledge necessary to effectively represent the proposed class(es), and have substantial resources to commit to representing the proposed class(es) in this action.

Plaintiffs’ Co-Lead Interim Class Counsel shall have responsibility for, and authority over, the following matters for this case and any related cases assigned to this Court:

- a. Determining and presenting in pleadings, motions, briefs, oral argument or such other

- fashion as may be appropriate, the position of all of the Plaintiffs as to all matters arising during all pretrial and trial proceedings;
- b. Conducting discovery on behalf of the Plaintiffs;
  - c. Communicating with the Court, Defense Counsel, and all Plaintiffs and Plaintiffs' Counsel;
  - d. Ensuring all work by Plaintiffs' Counsel is in the best interest of the Plaintiffs and the proposed Class and are based on the qualifications and expertise of the persons assigned particular tasks or responsibilities, counsel's knowledge of the law, facts and issues, efficiency and cost-effectiveness;
  - e. Directing, supervising and monitoring the activities of additional Plaintiffs' Counsel, if any, and implementing procedures to ensure that schedules are met and unnecessary expenditures of time and funds by counsel are avoided;
  - f. Employing and consulting with experts;
  - g. Conducting settlement discussions with Defense Counsel on behalf of the Plaintiffs and the putative Class and the related authority to resolve this litigation as Co-Lead Interim Class Counsel deem appropriate and subject to approval of this Court where required;
  - h. Informing all Plaintiffs and Plaintiffs' Counsel of the progress of this litigation as necessary
  - i. Assessing litigation costs, as appropriate, and to collect such assessments;
  - j. Reviewing time, lodestar, and expense reports from each Plaintiffs' Counsel, including paralegals and other staff members, as frequently as Co-Lead Interim Class Counsel see fit;
  - k. Allocating attorneys' fees and costs among Plaintiffs' Counsel; and

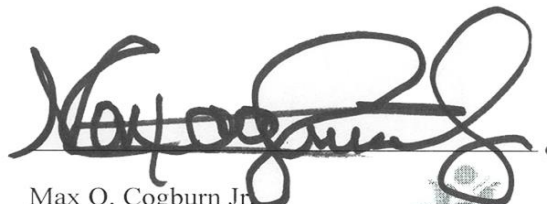
1. Overseeing the conduct of the litigation so that it proceeds smoothly and efficiently and performing such other duties as necessary or as authorized by further order of the Court.

Plaintiffs' Interim Liaison Counsel shall have responsibility for, and authority over, the following matters for this case and any related cases assigned to this Court:

- a. Assist Co-Lead Interim Class Counsel with the service and filings of in pleadings, motions, and briefs as to all matters arising during all pretrial and trial proceedings;
- b. Receive orders, notices, correspondence, and telephone calls from the Court and the Clerk of the Court on Plaintiffs' behalf, and transmitting copies of such orders and notices on Plaintiffs' behalf;
- c. Maintain and distribute to Plaintiffs' Counsel and to Defense Counsel an up-to-date service list;
- d. Maintain and make available to all Plaintiff's Counsel of record 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);
- e. Be available for any Court status conferences; and
- f. Carry out such other duties as the Court may order.

**IT IS SO ORDERED.**

Signed: March 20, 2024



Max O. Cogburn Jr.  
United States District Judge