

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

	X	
B & R SUPERMARKET, INC., d/b/a	:	Case No. 1:17-cv-02738-MKB-VMS
MILAM'S MARKET, Individually and on	:	
Behalf of All Others Similarly Situated,	:	<u>CLASS ACTION</u>
	:	
Plaintiff,	:	
	:	ORDER APPOINTING CLASS
v.	:	COUNSEL
	:	
VISA, INC., et al.,	:	
	:	
Defendants.	:	
	X	

On August 28, 2020, the Court entered an order granting Plaintiffs B & R Supermarket, Inc. (d/b/a Milam's Market), Grove Liquors LLC, Strouk Group LLC (d/b/a Monsieur Marcel), and Palero Food Corp. and Cagueyes Food Corp.'s (d/b/a Fine Fare Supermarket) (collectively, "Plaintiffs") renewed motion for class certification, certifying the following class: "Merchants who incurred one or more unreimbursed chargeback(s) between October 1, 2015 through and including September 30, 2017, pursuant to the Fraud Liability Shift for the assessment of Mastercard, Visa, Discover and/or Amex payment card chargebacks (the 'Class'). Excluded from the Class are members of the judiciary and government entities or agencies." **Dkt. 725**.

Pursuant to **Federal Rule of Civil Procedure 23(g)**, class counsel should be appointed when a class is certified. Plaintiffs have moved for the appointment of their counsel, Robbins LLP, as Class Counsel. Defendants do not oppose the requested appointment. Having previously found Plaintiffs' counsel, Robbins LLP, adequate under **Federal Rule of Civil Procedure 23(a)(4)** (**Dkt. 644 at 19**; *see also* **Dkt. 725 at 7**), Plaintiffs' motion is GRANTED, and IT IS HEREBY ORDERED, as follows:

1. Pursuant to **Federal Rule of Civil Procedure 23(g)**, the Court appoints the following as Class Counsel for the certified Class:

ROBBINS LLP
GEORGE C. AGUILAR
MICHAEL J. NICOUD
5040 Shoreham Place
San Diego, CA 92122
Telephone: (619) 525-3990
Facsimile: (619) 525-3991
gaguilar@robbinsllp.com
mnicoud@robbinsllp.com

2. Class Counsel shall have the following responsibilities and duties specified below:
- a) Initiate, brief, and argue motions on behalf of the Class on all matters arising during pre-trial proceedings, and prepare, serve, and file opposing briefs in proceedings initiated by other parties;
 - b) Represent the Class at pre-trial, scheduling, and status conferences;
 - c) Coordinate the initiation and conduct of discovery on behalf of the Class;
 - d) Conduct settlement negotiations with Defendants' counsel, execute necessary settlement documentation, and present any formalized settlement to the Court on behalf of the Class;
 - e) Employ and consult with experts;
 - f) Coordinate pre-trial activities and plan for trial;
 - g) Conduct trial and post-trial activities;
 - h) Allocate fees among the various firms doing work in the case, on behalf of the Class, if any are awarded by the Court;
 - i) Perform such other duties as may be incidental to proper coordination of the Class's pre-trial activities or are authorized by further order of this Court;

j) Coordinate and communicate with Defendants' counsel and the Court with respect to the matters addressed in this paragraph;

k) Maintain a master service list of all Class parties and their respective counsel;

l) Receive orders, notices, correspondence and telephone calls from the Court on behalf of the Class, and be responsible for preparing and distributing the same to all Class Counsel upon direction from the Court; and

m) Perform other such duties and undertaking other responsibilities as are necessary or desirable in connection with the prosecution of the litigation.

3. Class Counsel shall have the sole authority to communicate with Defendants' counsel, any third parties, and the Court on behalf of all plaintiffs in the Class. Defendants' counsel may rely on all agreements made with Class Counsel and such agreements shall be binding on the Class and all counsel for the Class.

SO ORDERED:
s/ MKB 5/6/2021

MARGO K. BRODIE
United States District Judge