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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

**SOPHIA OLSSON, individually and on
behalf of all others similarly situated,**

Plaintiff,

v.

**PLDT INC., MANUEL V.
PANGILINAN, ALFRED S.
PANLILIO, ANNABELLE L. CHUA,
MARILYN A. VICTORIO-AQUINO,
ABNER TITO L. ALBERTO, GIL
SAMSON D. GARCIA, MA. LOURDES
C. RAUSA-CHAN, FLORENTINO D.
MABASA JR., and JUNE CHERYL A.
CABAL-REVILLA,**

Defendants.

Case No.: CV 23-00885-CJC (MAAx)

**ORDER GRANTING MOVANT
KEVIN DOUGLAS’ MOTION FOR
APPOINTMENT AS LEAD
PLAINTIFF AND APPROVAL OF
SELECTION OF COUNSEL [Dkt. 9]
AND DENYING PLAINTIFF SOPHIA
OLSSON’S MOTION FOR
APPOINTMENT AS LEAD
PLAINTIFF AND APPROVAL OF
SELECTION OF COUNSEL [Dkt. 11]**

I. INTRODUCTION & BACKGROUND

Plaintiff Sophia Olsson brings this putative securities class action against Defendants PLDT Inc., Manuel V. Pangilinan, Alfred S. Panlilio, Annabelle L. Chua,

1 Marilyn A. Victorio-Aquino, Abner Tito L. Alberto, Gil Samson D. Garcia, Ma. Lourdes
2 C. Rausa-Chan, Florentino D. Mabasa Jr., and June Cheryl A. Cabal-Revilla. (Dkt. 1
3 [Complaint].) Now before the Court are two motions for appointment as lead Plaintiff
4 and approval of selection of counsel: one filed by Kevin Douglas (Dkt. 10), and one filed
5 by Olsson (Dkt. 11). PLDT opposes both motions. (Dkt. 19 [Opposition, hereinafter
6 “Opp.”].) For the following reasons, Douglas’ motion is **GRANTED** and Olsson’s
7 motion is **DENIED**.¹

8 9 **II. ANALYSIS**

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11 The Court considers (1) appointment of the lead plaintiff, and (2) approval of lead
12 counsel.

13 14 **A. Appointment of Lead Plaintiff**

15
16 A plaintiff who seeks to bring a securities class action under the Private Securities
17 Litigation Reform Act (“PSLRA”) must, within 20 days of the filing of the complaint,
18 publish a notice of the putative class action’s pendency, claims, and purported class
19 period “in a widely circulated national business-oriented publication or wire service.”
20 15 U.S.C. § 78u-4(a)(3)(A)(i). Any member of the purported class then has 60 days from
21 the date on which the notice is published to file a motion to be appointed lead plaintiff.
22 *Id.* The Complaint in this case was filed on February 6, 2023. (Dkt. 1.) That same day, a
23 notice was published through *Business Wire* advising potential class members of, among
24 other things, the claims alleged in the Complaint, the Class Period, and the 60-day
25 deadline for class members to move to be appointed as lead counsel. (Dkt. 9-5.) Douglas
26

27
28 ¹ Having read and considered the papers presented by the parties, the Court finds these matters
appropriate for disposition without a hearing. *See* Fed. R. Civ. P. 78; Local Rule 7-15. Accordingly, the
hearing set for May 8, 2023, at 1:30 p.m. is hereby vacated and off calendar.

1 and Olsson timely filed these motions for appointment as lead plaintiff. They obtained
2 PSLRA certifications, in which they attest that they have reviewed the Complaint, that
3 they did not purchase the security that is the subject of the action at the direction of
4 plaintiff's counsel or in order to participate in the action, and are willing to serve as class
5 representative. (Dkt. 9-3 [Douglas]; Dkt. 13-2 [Olsson].) Douglas and Olsson have
6 therefore satisfied the notice requirements of the PSLRA.

7
8 In choosing a lead plaintiff, courts presume that the most adequate plaintiff is the
9 person that (1) either filed the complaint or a motion in response to the publication of
10 notice of the action, (2) has the largest financial interest in the relief sought by the class,
11 and (3) otherwise satisfies the requirements of Federal Rule of Civil Procedure 23.
12 15 U.S.C. § 78u-4(a)(3)(B)(iii)(I); *see In re Cavanaugh*, 306 F.3d 726, 729–30 (9th Cir.
13 2002) (explaining that the “presumptively most adequate plaintiff—and hence the
14 presumptive lead plaintiff”—is “the one who has the largest financial interest in the relief
15 sought by the class” and otherwise satisfies Rule 23’s requirements).

16
17 Douglas suffered a loss of \$240.23 as a result of Defendants’ alleged fraud. (Dkt.
18 9-1 at 1.) Olsson suffered a loss of \$22.69. (Dkt. 13-3.) No other member of the
19 putative class has come forward to be appointed. Douglas therefore appears to have the
20 largest financial interest in the relief the class seeks.

21
22 Douglas has also made a sufficient preliminary showing that he can satisfy Rule
23 23’s typicality requirement. *See Cavanaugh*, 306 F.3d at 730 (explaining that for
24 purposes of appointing a lead plaintiff, the focus is only on the typicality and adequacy
25 prongs of Rule 23(a)). A prospective lead plaintiff’s claims are typical of other class
26 members’ claims when they arise from the same course of conduct that gives rise to the
27 class members’ claims and are based on the same legal theory. *Zhu v. UCBH Holdings,*
28 *Inc.*, 682 F. Supp. 2d 1049, 1053 (N.D. Cal. 2010) (citing *Hanon v. Dataproducts Corp.*,

1 976 F.2d 497, 508 (9th Cir. 1992)). Douglas invested in PLDT in December 2021, and
2 seeks to bring suit on behalf of other investors who acquired PLDT securities between
3 January 1, 2019 and December 19, 2022. (Dkts. 1, 9-4.) The Complaint alleges that
4 Defendants’ materially false and misleading statements resulted in losses for those
5 investors. These allegations make a preliminary showing that Douglas’ claims are typical
6 of the claims of the other members of the investor class. (*See* Dkt. 9-1 at 6–7.)
7

8 Douglas has also made a sufficient preliminary showing that he will adequately
9 represent the class. A prospective lead plaintiff is adequate if the person does not have
10 conflicts of interest with the proposed class. When evaluating whether a class
11 representative is adequate, courts assess whether he has interests antagonistic to the class,
12 and whether his counsel have the necessary capabilities and qualifications. *In re Emulex*
13 *Corp.*, 210 F.R.D. 717, 720 (C.D. Cal. 2002). There is no evidence of any conflicts of
14 interest between Douglas and other PLDT investors. (*See* Dkt. 9-1 at 7–8.) Douglas’
15 interests align with those of other class members because each member of the class
16 purchased PLDT securities relying on Defendants’ allegedly false and misleading
17 statements. And Douglas has represented that he is willing and able to undertake the
18 responsibility of a lead plaintiff and has retained experienced counsel. (Dkt. 9-6.)
19 Accordingly, because Douglas has satisfied all three statutory elements under 15 U.S.C.
20 § 78u-4(a)(3)(B)(iii)(I), he is designated lead plaintiff in this case.
21

22 Olsson does not dispute that Douglas has a larger financial interest in the outcome
23 of this case and that he is therefore presumptively the most adequate plaintiff. (*See* Dkt.
24 23.) Rather, she argues that because she and Douglas both “claim an equally modest
25 financial interest,” they should be appointed co-lead plaintiffs. (*Id.* at 2.) Douglas does
26 not support this request. (Dkt. 20 at 3.) The Court is not persuaded that there is a need
27 for more than one plaintiff and law firm to represent the class in this case. Indeed,
28 appointing co-lead plaintiffs and co-lead counsel here would only making the litigation

1 more “cumbersome or expensive” with “the potential for disagreements and
2 inefficiencies.” *Pino v. Cardone Cap., LLC*, 2020 WL 7585839, at *5 (C.D. Cal. Dec.
3 18, 2020) (noting that appointing co-lead counsel could also “complicate the coordination
4 of litigation and reduce the prospects for efficient litigation”) (cleaned up).

5
6 PLDT argues that both Douglas and Olsson’s losses are too small for either of
7 them to have a sufficient financial interest in the outcome of the case to be an adequate
8 class representative. (Opp. at 4–6.) But the PSLRA provides that courts “shall consider
9 any motion *made by a purported class member*” in determining the adequacy of a
10 proposed lead plaintiff. *Takeda v. Turbodyne Techs., Inc.*, 67 F. Supp. 2d 1129, 1138
11 (C.D. Cal. 1999) (citing 15 U.S.C. § 78u–4(a)(3)(B)(i); 15 U.S.C. § 78u–
12 4(a)(3)(B)(iii)(II) (“the presumption described in [15 U.S.C. § 78u–4(a)(3)(B)(iii)(I)] may
13 be rebutted only upon proof *by a member of the purported plaintiff class . . .*” (emphasis
14 added)). PLDT therefore lacks standing to object to the proposed lead plaintiffs’
15 adequacy or typicality at this stage. *Id.* And regardless, “[t]he PSRLA’s lead plaintiff
16 provisions do not erect a barrier that prevents any plaintiff with a small stake from
17 representing a class.” *Nayani v. LifeStance Health Grp., Inc.*, 2022 WL 16985717, at *5
18 (S.D.N.Y. Nov. 17, 2022). Indeed, courts routinely appoint lead plaintiffs with financial
19 interests substantially similar to or less than Douglas’. *See, e.g., id.* (appointing as lead
20 plaintiff a person who claimed \$385 in losses); *Houghton v. Leshner*, 2023 WL 2485785,
21 at *1 (N.D. Cal. Mar. 13, 2023) (appointing as lead plaintiff three people who spent \$80
22 combined to purchase the relevant securities).

23 24 **B. Approval of Lead Counsel**

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26 The PSLRA provides that once a court has selected the most adequate plaintiff, the
27 “most adequate plaintiff shall, subject to approval of the court, select and retain counsel
28 to represent the class.” 15 U.S.C. § 78u-4(a)(3)(B)(v). The statute grants courts

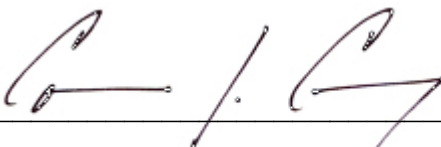
1 discretionary authority to refuse to approve a lead plaintiff’s selection of counsel. *In re*
2 *Cohen*, 586 F.3d 703, 709 (9th Cir. 2009).

3
4 Douglas has selected Levi & Korsinsky, LLP as his counsel. The Court has
5 reviewed the firm’s biography, (Dkt. 9-7), and approves it as lead counsel. The firm has
6 successfully served as counsel in many other securities class actions and its attorneys
7 have extensive experience in handling large, complex litigation.

8
9 **III. CONCLUSION**

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11 For the foregoing reasons, Douglas’ motion for appointment as lead plaintiff and
12 approval of lead counsel for this putative class action is **GRANTED**. Olsson’s motion is
13 **DENIED**.

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15 DATED: April 26, 2023

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18 CORMAC J. CARNEY
19 UNITED STATES DISTRICT JUDGE
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