

1 John T. Jasnoch (CA 281605)
2 **SCOTT+SCOTT ATTORNEYS AT LAW LLP**
3 600 W. Broadway, Suite 3300
4 San Diego, CA 92101
5 Telephone: 619-233-4565
6 Facsimile: 619-233-0508
7 jjasnoch@scott-scott.com

8 [Additional Counsel on Signature Page.]

9 *Attorneys for Lead Plaintiff Movant Nick Patterson*

10 **UNITED STATES DISTRICT COURT**
11 **NORTHERN DISTRICT OF CALIFORNIA**

12 NICK PATTERSON, Individually and on
13 Behalf of All Others Similarly Situated,

14 Plaintiff,

15 v.

16 TERRAFORM LABS, PTE. LTD., JUMP
17 CRYPTO, JUMP TRADING LLC, REPUBLIC
18 CAPITAL, REPUBLIC MAXIMAL LLC,
19 TRIBE CAPITAL, DEFINANCE CAPITAL/
20 DEFINANCE TECHNOLOGIES OY,
21 GSR/GSR MARKETS LIMITED, THREE
22 ARROWS CAPITAL PTE. LTD., NICHOLAS
23 PLATIAS, and DO KWON,

24 Defendants.

Case No. 5:22-cv-03600

**NOTICE OF MOTION AND MOTION
OF NICK PATTERSON FOR
APPOINTMENT AS LEAD PLAINTIFF
AND APPROVAL OF LEAD COUNSEL;
MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT THEREOF**

Date: December 15, 2022
Time: 9:00 a.m.
Courtroom.: Courtroom 3, 5th Floor
Judge: Hon. Beth Labson Freeman

25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

TABLE OF CONTENTS

NOTICE OF MOTION AND MOTION 1

STATEMENT OF THE ISSUES TO BE DECIDED..... 1

MEMORANDUM OF POINTS AND AUTHORITIES 2

 I. INTRODUCTION 2

 II. FACTUAL BACKGROUND..... 3

 III. ARGUMENT 5

 A. Patterson Should Be Appointed Lead Plaintiff..... 5

 1. Patterson’s Motion Is Timely..... 5

 2. Patterson Has the Largest Financial Stake in the Relief
 Sought by the Class..... 5

 3. Patterson Is Otherwise Qualified Under Rule 23..... 7

 B. The Court Should Approve Patterson’s Choice of Counsel 9

 C. Scott+Scott Should Be Appointed as Lead Counsel over the Non-
 Securities Claims 10

 IV. CONCLUSION..... 12

TABLE OF AUTHORITIES

	Page(s)
Cases	
<i>Cohen v. U.S. Dist. Ct. for N. Dist. of Cal.</i> , 586 F.3d 703 (9th Cir. 2009)	9
<i>Combs, et. al., v. Safemoon, LLC</i> , No. 2:22-cv-01108-SVW-MRW (C.D. Cal) (ECF No. 52).....	11
<i>Cornwell v. Credit Suisse Grp.</i> , No. 08-cv-03758, 2011 WL 13263367 (S.D.N.Y. July 20, 2011).....	9
<i>Feyko v. Yuhe Int’l Inc.</i> , No. CV 11-05511, 2012 WL 682882 (C.D. Cal. Mar. 2, 2012)	6
<i>In re AT&T Mobility Wireless Data Servs. Tax Litig.</i> , MDL No. 2147, ECF No. 47 (N.D. Ill. June 23, 2010)	11
<i>In re Cavanaugh</i> , 306 F.3d 726 (9th Cir. 2002)	2, 6, 9
<i>In re Cendant Corp. Litig.</i> , 264 F.3d 201 (3d Cir. 2001).....	9
<i>In re Facebook, Inc., IPO Sec. and Deriv. Litig.</i> , 288 F.R.D. 26 (S.D.N.Y. 2012)	11
<i>In re Interest Rate Swaps Antitrust Litig.</i> , No. 16-MD-2704, 2016 WL 4131846 (S.D.N.Y. Aug. 3, 2016).....	11
<i>In re Olsten Corp. Sec. Litig.</i> , 3 F. Supp. 2d 286 (E.D.N.Y. 1998)	6
<i>In re Terazosin Hydrochloride</i> , 220 F.R.D. 672 (S.D. Fla. 2004).....	11
<i>Knox v. Yingli Green Energy Holding Co. Ltd.</i> , 136 F. Supp. 3d 1159 (C.D. Cal. 2015)	6
<i>Lax v. First Merchs. Acceptance Corp.</i> , No. 97 C 2715, 1997 WL 461036 (N.D. Ill. Aug. 11, 1997).....	6
<i>Miami Police Relief & Pension Fund v. Fusion-io, Inc.</i> , No. 13-CV-05368, 2014 WL 2604991 (N.D. Cal. June 10, 2014).....	5
<i>Richardson v. TVIA, Inc.</i> , No. C 06 06304, 2007 WL 1129344 (N.D. Cal. Apr. 16, 2007).....	6

1 *Russo v. Finisair Corp.*,
 2 No. 5:CV11-01252, 2011 WL 5117560 (N.D. Cal. Oct. 27, 2011).....8

3 *Westley v. Oclaro, Inc.*,
 4 No. C-11-2448, 2011 WL 4079178 (N.D. Cal. Sept. 12, 2011).....7, 8

5 **Statutes, Rules, and Regulations**

6 15 U.S.C.

7 §77z-1(a)(3)(A)(i)5
 8 §77z-1(a)(3)(A)(i)(II).....5
 9 §77z-1(a)(3)(A)-(B)5
 10 §77z-1(a)(3)(B)2, 7
 11 §77z-1(a)(3)(B)(i)6
 12 §77z-1(a)(3)(B)(iii)2
 13 §77z-1(a)(3)(B)(iii)(I)(bb)6
 14 §77z-1(a)(3)(B)(iii)(I)(cc).....7
 15 §77z-1(a)(3)(B)(iii)(II)(aa)9
 16 §77z-1(a)(3)(B)(v)2, 9
 17 §78u-4(a)(3)(B).....1
 18 §78u-4(a)(3)(B)(v)2

19 Securities Act of 1933

20 §5.....3
 21 §12(a)(1)3
 22 §15.....3

23 Securities Exchange Act of 1934

24 §10(b).....3

25 Federal Rules of Civil Procedure

26 Rule 23 *passim*
 27 Rule 23(a).....7
 28 Rule 23(a)(3).....8
 Rule 23(g)(1)(A) 11

29 **Other Authorities**

30 MANUAL FOR COMPLEX LITIGATION

31 §10.221.....10
 32 §10.224.....11

33 NEWBERG ON CLASS ACTIONS (4th ed. 2008)

34 §3:138

35

36

37

38

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.