

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

Schweiger v. Ultra Clean Holdings, Inc.

No. 25-cv-02768-JSC (N.D. Cal. June 27, 2025) · No. No. 25-cv-02768-JSC · Decided June 27, 2025

SUMMARY

The United States District Court for the Northern District of California grants Ergül İlaslan’s unopposed motion for appointment as lead plaintiff in a putative securities class action against Ultra Clean Holdings, Inc. and related defendants. The court finds that İlaslan has the largest financial interest, satisfies the adequacy and typicality requirements of Federal Rule of Civil Procedure 23, and approves Rosen Law Firm P.A. as lead counsel.

OPINION

1 2 3 4 UNITED STATES DISTRICT COURT 5 NORTHERN DISTRICT OF CALIFORNIA 6 7
OFIR SCHWEIGER, Case No. 25-cv-02768-JSC 8 Plaintiff, ORDER RE MR. ERGÜL
İLASLAN’S 9 v. MOTION TO APPOINT LEAD PLAINTIFF 10 ULTRA CLEAN HOLDINGS,
INC., et al., Re: Dkt. Nos. 19, 23, 26, 30 Defendants. 11 12 13 Plaintiff Ofir Schweiger instituted
this putative class action against Ultra Clean Holdings 14 and two individuals (“Defendants”) for
making materially false and misleading statements and 15 omissions to artificially inflate the price
of its stock in violation of the Securities Exchange Act, 16 (“PSLRA”), and related regulations.

(Dkt. No. 1.)¹ Notice of the action was made on March 24, 17 2025 and filed with the Court on
April 11, 2025. (Dkt. Nos. 9, 9-1.) Subsequently, four putative 18 class members (collectively
“movants”) moved for appointment as lead plaintiff and for approval 19 of their respective
selections of lead counsel. (Dkt. Nos. 19, 23, 26, 30.)

After opening briefs 20 were filed, two movants withdrew their motions and one submitted a
motion of non-opposition. 21 (Dkt. Nos. 33, 35, 37.) So, before the Court is Mr. İlaslan’s
unopposed motion for appointment as 22 lead plaintiff and approval of his selection of lead
counsel. (Dkt. No. 15.)

Having carefully 23 considered the briefing, the Court concludes oral argument is unnecessary,
see Civ. L. R. 7-1(b), 24 and GRANTS the unopposed motion. Mr. İlaslan has demonstrated the
largest financial interest in 25 the litigation and made a prima facie showing he is an adequate and
typical class representative. 26 27 1 DISCUSSION 2 The complaint alleges two claims against
Defendants under §§ 10(b) and 20(a) of the 3 PSLRA, 15 U.S.C. § 78j(b), and Rule 10b-5.

(Dkt. No. 1 ¶¶ 10, 67-77.) Mr. İlaslan now seeks 4 appointment as lead plaintiff pursuant to § 78u-4(a)(3)(B)(i) and approval of his selection of 5 counsel pursuant to § 78u-4(a)(3)(B)(v). 6 I. Appointment as Lead Plaintiff 7 The Court must appoint “as lead plaintiff the member or members of the purported 8 plaintiff class that the court determines to be most capable of adequately representing the interests 9 of class members.” 15 U.S.C. § 78u-4(a)(3)(B)(i).

The PSLRA presumes “the most adequate 10 plaintiff” is the individual who (1) “has either filed the complaint or made a motion in response to 11 a notice”; (2) “has the largest financial interest in the relief sought by the class”; and (3) 12 “otherwise satisfies the requirements of Rule 23 of the Federal Rules of Civil Procedure.” Id. § 13 78u-4(a)(3)(B)(iii)(I).

This presumption “may be rebutted only upon proof by a member of the 14 purported plaintiff class that the presumptively most adequate plaintiff—” (1) “will not fairly and 15 adequately protect the interests of the class; or” (2) “is subject to unique defenses that render such 16 plaintiff incapable of adequately representing the class.” Id. § 78u-4(a)(3)(B)(iii)(II).

17 Because notice of the action was sent on March 24, 2025 and filed with the Court on April 18 11, 2025, the deadline to move for appointment as lead plaintiff was May 23, 2025. (Dkt. Nos. 9, 19 9-1.) Mr. İlaslan timely filed a “motion in response to a notice” for appointment as lead plaintiff, 20 thereby satisfying the first element of the § 78u-4(a)(3)(B)(iii)(I) presumption.

(Dkt. No. 15.) 21 Though three other motions were filed, two motions were subsequently withdrawn and the other 22 was supplemented with a notice of non-opposition. (Dkt. Nos. 33, 35, 37.) So, Mr. İlaslan’s 23 motion is the only motion currently pending before the Court. 24 The second element of the most adequate plaintiff presumption is the plaintiff “who has 25 the greatest financial stake in the outcome of the case.” *In re Cavanaugh*, 306 F.3d 726, 729 (9th 26 Cir.

2002) (quoting 15 U.S.C. § 78u-4(a)(3)(B)(i)). Mr. İlaslan incurred losses amounting to 27 \$23,580.00 on his purchase of 1,500 shares during the class period. (Dkt. No. 34 at 2.) The other 1 (comparing losses); Dkt. Nos. 23-3, 20-3, 30-3.) Two movants acknowledged they do not have 2 the largest financial interest in the relief sought. (Dkt. Nos. 33, 35.) And while one movant 3 initially opposed Mr. İlaslan’s motion, he subsequently withdrew his motion.

(Dkt. No. 37.) 4 Accordingly, no other movant has shown they have a larger financial stake in the outcome of the 5 case. See § 78u-4(a)(3)(B)(iii)(II). So, Mr. İlaslan has satisfied the second element by showing 6 the greatest financial stake in the outcome of this case. 7 The final element of the presumption is to “otherwise satisf[y] the requirements of Rule 23 8 of the Federal Rules of Civil Procedure,” which demands “a prima facie showing of adequacy and 9 typicality.” *In re Mersho*, 6 F.4th 891, 899 (9th Cir.

2021). “Courts determine whether a plaintiff 10 will adequately represent a class by answering two questions: (1) do the movant and its ‘counsel 11 have any conflicts of interest with other class

members’ and (2) will the movant and its ‘counsel 12 prosecute the action vigorously on behalf of the class?’” Id. at 899-900 (quoting *Ellis v. Costco 13 Wholesale Corp.*, 657 F.3d 970, 985 (9th Cir.

2011)). “At this step, the process is not adversarial, 14 so the Rule 23 determination should be based on only the movant’s pleadings and declarations.” 15 Id. at 899. Mr. İlaslan argues “the close alignment of interests between [him] and the other Class 16 members, and [his] desire to prosecute this action on behalf of the Class,” allows him to 17 vigorously prosecute the action on behalf of the class.

(Dkt. No. 26 at 6.) Further, he “is not 18 aware of any unique defenses that Defendants could raise against [him]” and no other movant 19 raised any such defenses. (Id.) That the other movants withdrew their motions or filed statements 20 of non-opposition further supports that Mr. İlaslan would be an adequate representative of their 21 interests. So, Mr. İlaslan has fulfilled Rule 23’s adequacy requirement.

22 As to Rule 23’s typicality requirement, “[t]he test of typicality is whether other members 23 have the same or similar injury, whether the action is based on conduct which is not unique to the 24 named plaintiffs, and whether other class members have been injured by the same course of 25 conduct.” *Hessefort v. Super Micro Computer, Inc.*, 317 F. Supp. 3d 1056, 1061 (N.D.

Cal. 2018). 26 Here, Mr. İlaslan allegedly suffered the same injury as the class—he “purchased the Company’s 27 securities at prices artificially inflated due to Defendants’ misrepresentations and omissions, and 1 class. (Id.) That the motion is unopposed also suggests the other movants agree Mr. İlaslan’s 2 claims are typical to theirs and that he would be an adequate representative of their interests.

(Dkt. 3 Nos. 33, 35, 37.) So, Mr. İlaslan has fulfilled Rule 23’s typicality requirement. (Id.); see also *Ali 4 v. Intel Corp.*, No. 18-cv-00507-YGR, 2018 WL 2412111, at *3 (N.D. Cal. May 29, 2018) 5 (finding typicality satisfied when “claims arise out of the same events and are based on the same 6 legal theories as the claims of other class members.”); see also *City of Dearborn Heights Act 345 7 Police & Fire Ret.*

Sys. v. Align Tech., Inc., No. 12-cv-06039-LHK, 2013 WL 2368059, at *4 8 (N.D. Cal. May 29, 2013) (finding typicality when, “like all other members of the purported class, 9 the Retirement System purchased Align common stock during the Class Period, allegedly in 10 reliance upon Defendants’ purported false and misleading statements, and alleged[ly] suffered 11 damages as a result.”).

Therefore, Mr. İlaslan satisfies the presumption’s third element. 12 Because Mr. İlaslan satisfies all three elements of § 78u-4(a)(3)(B)(iii)(I)’s presumption, 13 and no other party has shown otherwise, he is presumed the most adequate plaintiff.

Accordingly, 14 the Court APPOINTS Mr. İlaslan as class representative. 15 II. Approval of Selection of Counsel 16 Mr. İlaslan selected the Rosen Law Firm P.A. (“Rosen Law”) to serve as lead counsel for 17 the class. (Dkt. Nos. 26 at 7, 27, 27-4.) “[I]f the lead plaintiff has made a reasonable choice of 18 counsel, the district court should generally defer to that choice.” *Cohen v. U.S. Dist.*

Ct. for N. 19 Dist. of California, 586 F.3d 703, 712 (9th Cir. 2009). Rosen Law’s resume, and its extensive 20 experience in securities fraud litigation, demonstrate it is a reasonable choice. Accordingly, the 21 Court APPOINTS Rosen Law as lead counsel. Lead counsel shall have the following 22 responsibilities and duties on behalf of lead plaintiff and the putative class: 23 (a) preparing and filing all pleadings; 24 (b) briefing and arguing any and all motions; 25 (c) conducting any and all discovery proceedings including depositions; 26 (d) settlement negotiations; 27 (e) pretrial discovery proceedings and the preparation for trial and the trial of this 1 (f) the supervision of all other matters concerning the prosecution or resolution of 2 the consolidated action.

3 CONCLUSION 4 For the foregoing reasons, the Court GRANTS Mr. İlaslan’s motion for appointment of 5 || lead plaintiff and approval of his selection of lead counsel, Rosen Law. The parties shall meet and 6 || confer as required by Docket No. 18. 7 This Order disposes of Docket Nos. 19, 23, 26, and 30. 8 IT IS SO ORDERED. 9 Dated: June 27, 2025 10 CQUWELINE SCOTT CORLEY 12 United States District Judge 15 16 17 Z 18 19 20 21 22 23 24 25 26 27 28