

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Gabriele Willis, Henry Hardy, Charles Meredith, Vladyslav Vitske,
and Nathan Cornwell, Individually and on Behalf of All Others
Similarly Situated v. WestJet Airlines, Ltd.

Willis · No. 3:25-cv-02785-LL-MSB; related case 25cv2982-LL-MSB · Decided December 2, 2025

SUMMARY

The United States District Court for the Southern District of California granted a motion to consolidate two putative class actions concerning the alleged failure of WestJet Airlines, Ltd. to secure consumer personal information. The Court designated the Willis action as the master case, set procedures for the consolidated litigation, required filing of a consolidated complaint, and appointed interim class counsel, interim liaison counsel, and a plaintiffs’ executive committee.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Honorable Linda Lopez; Linda Lopez
JURISDICTION	United States District Court for the Southern District of California
DECIDED	December 2, 2025
DOCKET	3:25-cv-02785-LL-MSB; related case 25cv2982-LL-MSB
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiffs in two related putative class actions moved under Federal Rule of Civil Procedure 42(a) to consolidate the actions and under Rule 23(g)(3) for appointment of interim class counsel. Defendant did not oppose the motion.
STANDARD OF REVIEW	A district court has broad discretion under Federal Rule of Civil Procedure 42(a) to consolidate cases pending in the same district and should weigh judicial convenience against potential delay, confusion, and prejudice.
PRECEDENTIAL VALUE	unpublished district court order

TOPICS

- class actions
- joinder
- civil procedure

PRACTICE AREAS

civil procedure

class actions

consumer protection

negligence

data breach litigation

QUESTIONS PRESENTED

1. Whether the two related putative class actions should be consolidated under Federal Rule of Civil Procedure 42(a).
2. Whether the proposed attorneys should be appointed as interim class counsel, interim liaison counsel, and members of a plaintiffs' executive committee under Federal Rule of Civil Procedure 23(g)(3).

HOLDINGS

1. The court may consolidate the Willis and Yee actions because they involve common questions of law or fact and their similarity and similar procedural posture favor consolidation.
2. The court may appoint interim class counsel before class certification and appointed the proposed interim class counsel, interim liaison counsel, and plaintiffs' executive committee after finding them experienced, knowledgeable, and adequately resourced to represent the putative class.

KEY QUOTATIONS

"The district court has broad discretion under this rule to consolidate cases pending in the same district." (at 2)

"A court should "weigh the interest of judicial convenience against the potential for delay, confusion and prejudice."" (at 2)

"Accordingly, the Court GRANTS Plaintiffs' Motion to Consolidate." (at 3)

"Without prejudicing the propriety of class certification, pursuant to Federal Rule of Civil Procedure 23(g)(3), the Court hereby appoints Amber L. Schubert of Schubert Jonckheer & Kolbe LLP as Interim Class Counsel" (at 5)

FACTUAL BACKGROUND

The two related putative class actions were brought by consumers alleging that WestJet negligently failed to secure their private information in violation of its representations, industry standards, and common-law and statutory duties. Plaintiffs alleged injuries including increased risks of identity theft and fraud, anxiety, lost time, loss of the benefit of the bargain, and diminution in the value of personally identifiable information. Both actions sought compensatory damages, declaratory relief, and injunctive relief on behalf of consumers whose data was compromised.

PROCEDURAL HISTORY

Two putative class actions against WestJet Airlines, Ltd. were pending in the Southern District of California: Willis, No. 25cv2785-LL-MSB, and Yee, No. 25cv2982-LL-MSB. The court granted consolidation for all pretrial and trial proceedings, designated the Willis docket as the master docket, administratively closed the Yee

docket, ordered the filing of a consolidated complaint, and appointed interim class counsel, interim liaison counsel, and an executive committee.

DISPOSITION

other

CASES CITED

- Invs. Rsch. Co. v. U.S. Dist. Ct. for Cent. Dist. of Cal., 877 F.2d 777, 777 (9th Cir. 1989)
- Zhu v. UCBH Holdings, Inc., 682 F. Supp. 2d 1049, 1052 (N.D. Cal. 2010)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 SOUTHERN DISTRICT OF
CALIFORNIA 10 11 GABRIELE WILLIS, HENRY HARDY, Case No.: 25cv2785-LL-MSB
CHARLES MEREDITH, VLADYSLAV 12 VITSKE, and NATHAN CORNWELL, ORDER
GRANTING MOTION TO 13 Individually and on Behalf of All others CONSOLIDATE
RELATED Similarly Situated, ACTIONS AND APPOINT INTERIM 14 CLASS COUNSEL
Plaintiffs, 15 v. [ECF No. 7] 16 WESTJET AIRLINES, LTD., 17 Defendant.

18 19 Case No.: 25cv2982-LL-MSB IRENE YEE, Individually and on Behalf 20 of All others
Similarly Situated, 21 Plaintiff, 22 v. 23 WESTJET AIRLINES, LTD., 24 Defendant. 25 / / / 26 / /
/ 27 / / / 28 / / / 1 Pending before the Court is Plaintiffs' Motion to Consolidate the following
related 2 putative class action lawsuits pursuant to Rule 42(a) of the Federal Rules of Civil 3
Procedure: Willis et al. v. WestJet Airlines, Ltd., No. 25cv2785-LL-MSB and 4 Yee v. WestJet
Airlines Ltd., No. 25cv2982-LL-MSB (the "Related Actions").

ECF No. 7. 5 Plaintiffs also seek appointment of interim class counsel. Id. Plaintiffs state that
Defendant 6 does not oppose consolidation of the cases or the appointment of interim class
counsel. Id. 7 at 10. 8 Federal Rule of Civil Procedure 42 states that a court may consolidate
actions that 9 involve a common question of law or fact. Fed. R. Civ. P. 42(a). "The district court
has 10 broad discretion under this rule to consolidate cases pending in the same district." Invs.

11 Rsch. Co. v. U.S. Dist. Ct. for Cent. Dist. of California, 877 F.2d 777, 777 (9th Cir. 1989) 12
(citation omitted). A court should "weigh the interest of judicial convenience against the 13
potential for delay, confusion and prejudice." Zhu v. UCBH Holdings, Inc., 682 F. Supp. 14 2d
1049, 1052 (N.D. Cal. 2010) (citation omitted). 15 Federal Rule of Civil Procedure 23 permits a
court to designate interim counsel "to 16 act on behalf of a putative class before determining
whether to certify the action as a class 17 action." Fed.

R. Civ. P. 23(g)(3). In appointing class counsel, a court must consider (1) "the 18 work counsel has
done in identifying or investigating potential claims in the action;" 19 (2) "counsel's experience in

handling class actions, other complex litigation, and the types 20 of claims asserted in the action;” (3) “counsel's knowledge of the applicable law;” (4) “the 21 resources that counsel will commit to representing the class;” and (5) “any other matter 22 pertinent to counsel’s ability to fairly and adequately represent the interests of the class.” 23 Fed.

R. Civ. P. 23(g)(1). 24 Having considered the Motion, the Court finds that the Related Actions involve a 25 “common question of law or fact.” Fed. R. Civ. P. 42(a). Pending before this Court are two 26 putative class actions brought by consumers who allege that Defendant WestJet Airlines, 27 Ltd. negligently failed to secure their private information in compliance with its 28 representations, industry standards, and common law and statutory duties.

As a 1 consequence, Plaintiffs allege they overpaid for WestJet’s services and that WestJet’s 2 actions caused injuries including, but not limited to, increased risk of identity theft and 3 fraud, increased anxiety, loss of time, loss of benefit of the bargain, and diminution in the 4 value of their personally identifiable information (“PII”).

The cases seek compensatory 5 damages on behalf of WestJet consumers whose data was compromised. The Related 6 Actions also seek declaratory and injunctive relief. The similarities between the two cases 7 and their similar procedural posture weigh toward granting consolidation. See Zhu, 8 682 F. Supp. 2d at 1052.

Accordingly, the Court GRANTS Plaintiffs’ Motion to 9 Consolidate. 10 The Related Actions are thus hereby consolidated for all pretrial and trial 11 proceedings pursuant to Rule 42(a) of the Federal Rules of Civil Procedure.

The Court 12 further ORDERS as follows: 13 1. The docket in Case No. 25cv2785-LL-MSB shall constitute the Master 14 Docket for this consolidated action. The Clerk shall administratively close the docket in 15 Yee v. WestJet Airlines Ltd., No. 25cv2982-LL-MSB. 16 2. Every document filed in the consolidated action shall bear the following 17 caption: 18 UNITED STATES DISTRICT COURT 19 SOUTHERN DISTRICT OF CALIFORNIA 20 21 IN RE WESTJET AIRLINES Case No. 3:25-cv-02785-LL-MSB 22 DATA BREACH LITIGATION 23
_____ CLASS ACTION 24 25 This Document Relates To: 26 27 3.

When the document being filed pertains to all actions, the phrase “All 28 Actions” shall appear immediately after the phrase “This Document Relates To:.” When a 1 document applies only to some, not all, of the actions, the document shall list the docket 2 number for each individual action to which the document applies, along with the last name 3 of the plaintiff in said action.

4 4. The parties shall file a Notice of Related Case pursuant to Southern District 5 of California Civil Local Rule 40.1(f) whenever a related case is filed in, transferred to, or 6 removed to this district. If the Court determines that the case is related and a low number 7 order is issued, the

Court shall enter this Order on the docket of the related case and the 8 clerk shall note the related case in the Master Docket.

Any case deemed related shall be 9 consolidated into this action unless a party objects to consolidation within seven days of 10 the issuance of the low number order. 11 5. Defendant WestJet Airlines, Ltd. shall not be required to respond to the 12 complaint in any action consolidated into this action, other than the consolidated complaint. 13 6. Plaintiffs SHALL FILE a consolidated complaint on or before 14 January 5, 2026.

The consolidated complaint shall be the operative complaint in the 15 consolidated action and shall supersede all complaints filed in any action consolidated 16 herein. 17 7. WestJet's response to the consolidated complaint shall be due 30 days after 18 the filing of the consolidated complaint. If WestJet responds by filing a motion to 19 dismiss, Plaintiffs' opposition shall be due within 30 days following the filing of the 20 motion, and WestJet's reply in support of the motion shall be due within 14 days 21 following the filing of Plaintiffs' opposition.

22 8. The Court has reviewed the Motion and exhibits detailing the qualifications 23 of the proposed interim counsel and Plaintiffs' Executive Committee and finds they are 24 experienced and knowledgeable in complex litigation and data breach claims, and have 25 sufficient resources to represent the class. See Fed. R. Civ. P. 23(1)(A). Without 26 prejudicing the propriety of class certification, pursuant to Federal Rule of Civil Procedure 27 23(g)(3), the Court hereby appoints Amber L. Schubert of Schubert Jonckheer & Kolbe 28 LLP as Interim Class Counsel; Jennifer M. French of Lynch Carpenter, LLP as Interim 1 Liaison Counsel and a member of Plaintiffs' Executive Committee; and Mark Reich of 2 Levi & Korsinsky LLP, Scott Edelsberg of Edelsberg Law, and Scott Falgoust of Bryson 3 Harris Suci & DeMay PLLC as members of Plaintiffs' Executive Committee, to act on 4 behalf of Plaintiffs and the putative Class.

5 9. Interim Class Counsel shall be responsible for the overall conduct of the 6 litigation on behalf of Plaintiffs in this consolidated action. In particular, Interim Class 7 Counsel shall have the sole and exclusive responsibility to: 8 a. Investigate the claims, including interviews of witnesses, collection of 9 evidence, and retention of consultants, investigators, and experts; 10 b. Sign any pleadings, motions, briefs, discovery requests or objections, 11 subpoenas, or notices on behalf of Plaintiffs; 12 c. Prepare and file a consolidated complaint, including formulating 13 pleading strategies; 14 d. Conduct and coordinate discovery on behalf of Plaintiffs and the Class, 15 including any related motion practice; 16 e. Brief and argue the motion to dismiss; 17 f. Brief and argue the motion for class certification; 18 g. Negotiate with defense and other counsel with respect to potential 19 settlement and other matters after adequate due diligence; 20 h. Enter into stipulations necessary for the conduct of the litigation with 21 opposing counsel; 22 i. Consult, as necessary in the best interests of the putative classes, with 23 any additional counsel for Plaintiffs appearing in the consolidated 24 action to obtain their input concerning strategy and to be the

primary 25 spokespersons for the putative classes; 26 j. Assign, delegate, and supervise work assignments to members of 27 Plaintiffs' Executive Committee; 28 1 k. Act as Interim Class Counsel in any appeal prior to the appointment of 2 Class Counsel; 3 l. Allocate and apportion any Court awarded attorneys' fees, costs, and 4 expenses; 5 m. Collect regular time and expense reports from any other Plaintiffs' 6 firms appearing in the consolidated action, including members of 7 Plaintiffs' Executive Committee, tasked with work assignments; and 8 n. Advance and protect the interests of the putative Class in all respects 9 and to honor all its responsibilities, including making sure that all 10 representations and commitments made on their behalf are honored.

11 10. Interim Liaison Counsel shall have the authority to perform the following 12 tasks on behalf of Plaintiffs in the consolidated action: 13 a. Maintain and distribute to co-counsel an up-to-date service list; 14 b. Receive and, as appropriate, distribute to co-counsel orders from the Court 15 and documents from opposing parties and counsel; 16 c. Maintain and make available to co-counsel at reasonable hours a complete 17 file of all documents served by or upon each party except such documents 18 as may be available at a document file depository; 19 d. Establish and maintain a document file depository; and 20 e. Perform such other duties that may be incidental to proper coordination of 21 Plaintiffs' pretrial activities or authorized by Interim Class Counsel.

22 11. Plaintiffs' Executive Committee members shall perform duties and functions 23 as directed by Interim Class Counsel, or as may be expressly directed by Order of the Court. 24 12. Members of Plaintiffs' Executive Committee and any other plaintiffs' counsel 25 who are or may become involved in the Consolidated Action may not undertake any work 26 (including filings, discovery, or other litigation activities) or take any action on behalf of 27 the putative Class in this Consolidated Action without advance authorization from Interim 28 Class Counsel, except for an application to modify or be relieved from this order.

Interim 1 Class Counsel, Interim Liaison Counsel, and Plaintiffs' Executive Committee members 2 || shall take all reasonable steps to avoid duplicative work and ensure that work is performed 3 efficiently. 4 13. The Court recognizes that cooperation by and among counsel is essential for > || the orderly and expeditious resolution of this litigation.

Accordingly, the mere 6 |! communication of otherwise privileged information among and between plaintiffs' counsel 7 || shall not be deemed a waiver of the attorney-client privilege or the attorney work product 8 immunity.? 14. No pleadings or other papers shall be filed or tasks performed by Plaintiffs' 10 || counsel in the consolidated action without the advance approval of Interim Class Counsel.

1 discovery shall be conducted by Plaintiffs without the advance approval of Interim 12 || Class Counsel. This is intended to prevent duplication of pleadings, discovery, or tasks by 13 || Plaintiffs' counsel. 14 15. All Plaintiffs' counsel, including members of the Plaintiffs' Executive || Committee, shall maintain contemporaneous and detailed time and expense records.

16 Interim Class Counsel shall collect these records on a regular basis and review them to 17 ||
ensure only authorized, reasonable, and non-duplicative work is submitted for potential 18 ||
reimbursement. 19 16. Counsel for all parties are directed to cooperate with one another, wherever
20 possible, to promote the expeditious handling of pre-trial proceedings in the consolidated 21 |)
action.

22 IT IS SO ORDERED. 23 Dated: December 2, 2025 NO 24 eS 5 Honorable Linda Lopez United
States District Judge 26 27 28