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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO

THOMAS A. SHIELDS and KATINKA
HOSSZU, on behalf of themselves and all others
similarly situated,

Plaintiffs,

vs.

FÉDÉRATION INTERNATIONALE DE
NATATION,

Defendant.

Case No. 3:18-cv-07393-JSC

JOINT STIPULATED MOTION AND
~~[PROPOSED]~~ ORDER TO CERTIFY THE
DAMAGES CLASSES

Pursuant to Civil Local Rule 7-12, Plaintiffs Thomas A. Shields and Katinka Hosszu, and the injunctive relief class (“*Shields* Plaintiffs”) and Defendant World Aquatics (“Defendant”) (collectively, “the Parties”), by and through their undersigned counsel of record, hereby present this stipulated motion to certify the *Shields* Plaintiffs’ proposed damages classes under Rule 23 without the need for a hearing.

WHEREAS, on April 6, 2021, the *Shields* Plaintiffs moved for the certification of an injunctive relief class and a damages relief class under Rule 23(b)(2) and Rule 23(b)(3) respectively. *See* Dkt. No. 191;

WHEREAS, on February 11, 2022, this Court certified the injunctive relief class, comprising “[a]ll swimmers who signed contracts to participate in [ISL] from January 1, 2018 through the date of trial,” under Rule 23(b)(2), but this Court denied certification of the proposed damages classes. *See* Dkt. No. 299;

WHEREAS, on September 17, 2024, the Ninth Circuit reversed this Court’s decision to deny certification of “the swimmer plaintiffs’ proposed damages classes of swimmers who signed contracts to participate in ISL competitions in 2018 or participated in ISL events in 2019.” *See* Dkt. No. 393 at 8;

WHEREAS, this Court previously found that the *Shields* Plaintiffs’ proposed damages classes satisfy numerosity, commonality, and typicality requirements under Federal Rule of Civil Procedure 23(a). *See* Dkt. No. 299 at 6–8;

WHEREAS, the Ninth Circuit additionally found, in reversing this Court’s order denying certification of the *Shields* Plaintiffs’ proposed damages classes, that representation of the proposed class is adequate under Rule 23(a) (Dkt. No. 393 at 9), and that the *Shields* Plaintiffs’ proposed damages classes satisfy the elements of predominance and superiority under Rule 23(b)(3). *See* Dkt. No. 393 at 8–10;

WHEREAS, on February 12, 2025, this Court ordered the “parties to meet and confer on plans for [the] class certification motion” by March 31, 2025. Dkt. No. 408;

WHEREAS, the Parties held an in-person meet-and-confer conference in San Francisco, California on Tuesday, March 18, 2025, as instructed by the Court;

WHEREAS, the Parties agree and stipulate that, pursuant to the Ninth Circuit’s order in this case, Dkt. No. 393, the *Shields* Plaintiffs’ proposed damages classes meet the requirements for certification

under Federal Rule of Civil Procedure 23 and that this Court should therefore certify the damages classes;

WHEREAS, the Parties agree that a hearing is not necessary before certifying Plaintiffs' proposed damages class, and

WHEREAS, Defendant reserves its right to challenge the reliability and admissibility of the damages opinions of the *Shields* Plaintiffs' damages expert, Dr. Daniel Rascher, prior to and at trial;

THEREFORE, IT IS HEREBY STIPULATED, that the Parties request that this Court certify a damages class consisting of the following *Shields* Plaintiffs' damages subclasses under Rule 23(b)(3):

(1) 2018 Damages Class: All swimmers who signed contracts to participate in the International Swimming League's December 2018 event set to take place in Turin, Italy.

(2) 2019 Damages Class: All swimmers who signed contracts to participate in the International Swimming League's 2019 season.

Dated: April 23, 2025

WINSTON & STRAWN LLP

By: /s/ Jeffrey L. Kessler

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Class Counsel and Counsel for Plaintiffs Thomas A. Shields and Katinka Hosszú and the Proposed Class

1 Dated: April 23, 2025

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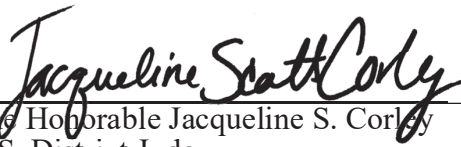
~~[PROPOSED]~~ ORDER

Pursuant to the Stipulation, this Court finds that the *Shields* Plaintiffs' proposed damages subclasses satisfy the required elements of numerosity, commonality, typicality, and adequacy under Federal Rule of Civil Procedure (23)(a); and meet the requirements of predominance and superiority under Rule 23(b)(3), and therefore this Court certifies a damages class under Rule 23(b)(3) consisting of the following subclasses:

- (1) 2018 Damages Class: All swimmers who signed contracts to participate in the International Swimming League's December 2018 event set to take place in Turin, Italy.
- (2) 2019 Damages Class: All swimmers who signed contracts to participate in the International Swimming League's 2019 season.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: April 25, 2025



The Honorable Jacqueline S. Corley
U.S. District Judge