

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

MARY LOU BENNEK, Derivatively on)
Behalf of THE HOME DEPOT, INC.,) Case No.: 1:15-cv-2999-TWT
)
)
) Plaintiff,)
)
) v.)
)
) F. DUANE ACKERMAN, et al.,)
)
) Defendants,)
)
) – and –)
)
) THE HOME DEPOT, INC., a Delaware)
) corporation,)
)
) Nominal)
) Defendant.)

CORA FROHMAN, Derivatively on)
Behalf of THE HOME DEPOT, INC.,) Case No.: 1:15-cv-3650-TWT
)
)
) Plaintiff,)
)
) v.)
)
) ARI BOUSBIB, et al.,)
)
) Defendants,)
)
) – and –)
)
) THE HOME DEPOT, INC., a Delaware)
) corporation,)
)
) Nominal)
) Defendant.)

ORDER

Having considered Plaintiffs’ Unopposed Motion to Consolidate Related
Actions, Appoint Co-Lead Plaintiffs and Approve Counsel (the “Motion”),

pursuant to Fed. R. Civ. P. 42(a), and for good cause shown, the Court **GRANTS** the Motion and hereby enters the following Order:

I. CONSOLIDATION

1. The above-captioned actions are hereby consolidated for all purposes into one action pursuant to Rule 42(a) of the Federal Rules of Civil Procedure, along with any future-filed or transferred tag-along actions relating to The Home Depot, Inc. (“Home Depot” or the “Company”).

2. This Order shall apply to the Consolidated Action, and to any and all cases that are subsequently filed in this Court or transferred to this Court, which is brought against the defendants and/or any other past or present employee or agent of any defendant, which is brought on behalf Home Depot and arises out of the 2014 data breach at Home Depot.

3. The short caption for the Consolidated Action shall be “*In re The Home Depot, Inc. Shareholder Derivative Litigation*, Lead Case No. 1:15-cv-2999-TWT.” Every pleading in this Consolidated Action shall bear the following caption:

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

IN RE THE HOME DEPOT, INC.)
SHAREHOLDER DERIVATIVE) Lead Case No. 1:15-cv-2999-TWT
LITIGATION) [Related to _____]

4. This Court requests the assistance of counsel in calling to the attention of the Clerk of this Court the filing or transfer of any case which might properly be consolidated as part of the Consolidated Action.

II. APPOINTMENT OF CO-LEAD PLAINTIFFS AND APPROVAL OF CO-LEAD AND LIAISON COUNSEL

5. Plaintiffs have moved the Court to be appointed Co-Lead Plaintiffs in this action and to approve their retained counsel to serve as Co-Lead Counsel and Liaison Counsel.

6. The Court hereby determines that Plaintiffs are the most adequate plaintiffs and appoints Plaintiffs as Co-Lead Plaintiffs in the Consolidated Action.

7. Plaintiffs have selected Schubert Jonckheer & Kolbe LLP and Faruqi & Faruqi, LLP to serve as Co-Lead Counsel and Holzer & Holzer, LLC to act as Liaison Counsel. The Court approves Plaintiffs' selection of Co-Lead Counsel and Liaison Counsel for the Consolidated Action.

8. Co-Lead Counsel shall have the following responsibilities and duties, to be carried out either personally or through counsel whom Co-Lead Counsel shall designate:

- i. to coordinate the briefing and argument of any and all motions;
- ii. to coordinate the conduct of any and all discovery proceedings;

- iii. to coordinate the examination of any and all witnesses in depositions;
- iv. to coordinate the selection of counsel to act as spokesperson at all pretrial conferences;
- v. to call meetings of the plaintiffs' counsel as they deem necessary and appropriate from time to time;
- vi. to coordinate and direct the pretrial discovery proceedings and the preparation for trial of this matter and to delegate work responsibilities to selected counsel as may be required;
- vii. to coordinate the preparation and filings of all pleadings;
- viii. to coordinate all settlement negotiations with counsel for defendants; and
- ix. to supervise all other matters concerning the prosecution or resolution of the Consolidated Action.

9. No motion, discovery request, or other pretrial proceedings shall be initiated or filed by any plaintiff without the approval of Co-Lead Counsel, so as to prevent duplicative pleadings or discovery by plaintiffs. No settlement negotiations shall be conducted without the approval of Co-Lead Counsel.

10. Co-Lead Counsel shall have the responsibility of receiving and disseminating Court orders and notices.

11. Co-Lead Counsel shall be the contact between plaintiffs' counsel and defendants' counsel, as well as the spokespersons for all plaintiffs' counsel, and shall direct and coordinate the activities of plaintiffs' counsel. Liaison Counsel shall be the contact between the Court and plaintiffs and their counsel.

III. MASTER DOCKET AND MASTER FILE

12. A Master Docket and Master File are hereby established for the Consolidated Action. The Master File shall be Case No. 1:15-cv-2999-TWT. Entries in the Master Docket shall be applicable to the Consolidated Action as more fully set forth below. Separate dockets shall also be maintained for each of these actions, and entries shall be made in accordance with the regular procedures of the Clerk of the Court, except as modified by this Order.

IV. NEWLY FILED OR TRANSFERRED ACTIONS

13. When a case that arises out of the subject matter of the Consolidated Action is hereinafter filed in this Court or transferred from another Court, the Clerk of this Court shall:

- a. file a copy of this Order in the separate file for such action;
- b. provide a copy of this Order to the attorneys for the plaintiff(s) in the newly filed or transferred case and to any new defendant(s) in the newly filed or transferred case; and
- c. make the appropriate entry in the docket for this action.

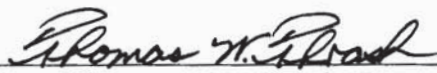
14. Each new case which arises out of the subject matter of this Consolidated Action that is filed in this Court or transferred to this Court shall be consolidated with this Consolidated Action and this Order shall apply thereto.

v. SCHEDULING

15. Within ten (10) business days of the date of the entry of this Order, the parties shall meet and confer and submit to the Court a proposed schedule for the designation of an operative complaint or the filing of an amended consolidated complaint and any response(s) thereto, including a briefing schedule for a motion to dismiss, if applicable.

IT IS SO ORDERED.

DATED: *January 20, 2016.*



Hon. Thomas W. Thrash, Jr.
United States District Judge