

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

PAULA G. MACE,

Plaintiff,

v.

TJX COMPANIES, INC.

Defendant.

C.A. No: 07-10162-WGY

CASE MANAGEMENT ORDER ~~(PROPOSED)~~

WHEREAS, a number of related actions are pending in this District alleging breaches of computer systems storing customer data by TJX Companies, Inc. and the improper disclosure of confidential customer information.

NOW, THEREFORE, THE COURT ORDERS as follows:

A. Consolidation of Related Actions

1. The following actions (the "related actions") are consolidated pursuant to Fed.

R. Civ. P. 42(a) for all pretrial proceedings, including discovery.

- a. Mace v. TJX Companies, Inc., No: 07-10162-WGY;
- b. AmeriFirst Bank v. TJX Company, Inc., et al., No: 07-10169-JLT;
- c. Buckley et al. v. TJX Companies, Inc., No: 07-10209-RWZ;
- d. Gaydos v. TJX Companies, Inc., et al., No: 07-10217-WGY;
- e. Cohen et al. v. TJX Companies, Inc., et al., No: 07-10280-WGY; and
- f. Rivas et al. v. TJX Companies, Inc., No: 07-10565-WGY

2. Any related action subsequently filed in this District alleging breaches of computer systems storing customer data by TJX Companies, Inc. shall likewise be consolidated and this Order shall apply to each such case.

3. A Master File Docket number is hereby established for this proceeding. The Master Docket number shall be C.A. No: 07-10162-WGY. One docket will be maintained for these actions with all entries to be docketed under said number. If a document pertains to only one or some of the member cases, it will be docketed in the consolidated case with the notation in the docket text as to the case numbers to which it pertains.

4. An Original of this Order shall be filed by the Clerk in the Master File and in the files for each of the actions and every action subsequently consolidated herein.

5. A copy of this Order shall be disseminated by ECF Notice in each of the related actions.

6. Every pleading filed in the Master Docket shall bear the following caption:

IN RE TJX COMPANIES RETAIL SECURITY BREACH LITIGATION
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Master Docket No. 07-10162-WGY

THIS DOCUMENT RELATES TO:

7. When a pleading is intended to be applicable to all actions to which this Order is applicable, the words "All Actions" shall appear immediately after or below the words "This Documents Relates To" in the caption set out above. When a pleading is intended to be applicable only to some, but not all, of such actions, the separate caption and docket number for each individual action to which the pleading is intended to be applicable shall appear immediately after or below the words "This Document Related To" in the caption described above.

8. When a pleading is filed and the caption, pursuant to the foregoing, shows that it is applicable, to "All Actions," the Clerk shall file such pleading in the Master File and note such filing in the Master Docket. No further copies need be filed or docket entries made.

9. When a pleading is filed and the caption, pursuant to the foregoing, shows that it is applicable to only certain of the actions, the Clerk need file such pleading only in the Master File but nonetheless shall note such filing in both the Master Docket and the docket of each such action.

10. This Court requests the assistance of counsel in calling to the attention of the Clerk of this Court the filing of any case in this district that might properly be consolidated herein.

11. When a case that arises out of the same subject matter of the TJX Companies Retail Security Breach Litigation is hereinafter filed in this Court, the Clerk of this Court shall:

- a. file a copy of this Order in the separate file for such action;
- b. mail a copy of this Order or give ECF Notice to the attorneys for the plaintiff(s) in the newly-filed case and to any new defendant(s) in the newly-filed case;
- c. make the appropriate entry in the Master Docket for the In Re TJX Companies Retail Security Breach Litigation, Master Docket No. 07-10162-WGY.

12. Each case that arises out of or relates to the subject matter of the TJX Companies Retail Security Breach Litigation which was or is previously or subsequently

filed in this Court shall be consolidated with the TJX Companies Retail Security Breach Litigation and this Order shall apply thereto, unless a party objects to consolidation, as provided for herein, or any provision of this Order, within ten (10) days after the date upon which a copy of this Order is served on counsel for such party, by filing an application for relief and this Court deems it appropriate to grant such application.

B. Organization of Plaintiffs' Counsel

13. The Court appoints the following counsel as Plaintiffs' Co-Lead Counsel: Berger & Montague, P.C. and Wolf Popper LLP. Plaintiffs' Co-Lead Counsel shall be responsible for coordinating and organizing Plaintiffs in the conduct of this litigation and, in particular, shall have the following responsibilities:

- a. To brief and argue motions and file opposing brief in proceedings initiated by other parties;
- b. To initiate and conduct discovery proceedings;
- c. To act as spokesperson at pretrial conferences;
- d. To negotiate with defense counsel with respect to settlement and other matters;
- e. To call meetings of plaintiffs' counsel when appropriate;
- f. To make all work assignments to plaintiffs' counsel to facilitate the orderly and efficient prosecution of this litigation and to avoid duplicative or unproductive effort;
- g. To conduct trial and post-trial proceedings;
- h. To consult with and employ experts;

- i. To perform such other duties and undertake such other responsibilities as they deem necessary or desirable; and
- j. To coordinate and communicate with defendants' counsel with respect to matters addressed in this paragraph.

14. The Court appoints Shapiro Haber & Urmy LLP and Stern Shapiro Weissberg & Garin, LLP to serve as Plaintiffs' Co-Liaison Counsel. Plaintiffs' Co-Liaison Counsel shall have the responsibility for maintenance and distribution of the up-to-date service list and the distribution to all plaintiffs' counsel of court orders, pleadings, and other documents as necessary to supplement the ECF Notice system

15. No motion, request for discovery, or other pre-trial proceedings shall be initiated or filed by any plaintiff except through Plaintiffs' Co-Lead Counsel.

16. Plaintiffs' Co-Lead Counsel shall be the contact between plaintiffs' counsel and defendants' counsel as well as the spokespersons for plaintiffs' counsel and shall call meetings of and direct and coordinate the activities of plaintiffs' counsel. Plaintiffs' Co-Lead Counsel, along with Plaintiffs' Co-Liaison Counsel, shall also be responsible for communicating with the Court to coordinate the conduct of the litigation, including the receipt and dissemination of Court orders and notices. Plaintiffs' Co-Lead Counsel and Co-Liaison Counsel are designated as the contact persons from plaintiffs' counsel and as the attorneys of record with whom the Court will be dealing throughout the course of this litigation.

17. All Plaintiffs' Counsel shall submit to Plaintiffs' Co-Lead Counsel a record of the time expended to date in the form set forth by Plaintiffs' Co-Lead Counsel on a monthly

basis or on such other schedule as may be established, from time-to-time, by Plaintiffs' Co-Lead Counsel.

18. The terms of this Order shall not have the effect of making any person, firm or corporation a party to any action in which he, she or it has not been named, served or added as such, in accordance with the Federal Rules of Civil Procedure. The terms of this Order and the consolidation ordered herein shall not constitute a waiver by any party of any claims in or defenses to any of the actions.

Dated: *April 4*, 2007

William G. Young

The Honorable ~~William G.~~ Young
United States District Judge