

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MARGARET BIANUCCI, individually
and on behalf of all others similarly
situated,

Plaintiff,

v.

RITE AID CORPORATION,

Defendant.

Case No. 2:24-cv-03356

Complaint filed July 25, 2024

CLASS ACTION

JURY TRIAL DEMANDED

ERICA JUDKA, individually
and on behalf of all others similarly
situated,

Plaintiff,

v.

RITE AID CORPORATION,

Defendant.

Case No. 2:24-cv-03381

Complaint filed July 26, 2024

CLASS ACTION

JURY TRIAL DEMANDED

KATHRYN EDWARDS, individually
and on behalf of all others similarly
situated,

Plaintiff,

v.

RITE AID CORPORATION,

Defendant.

Case No. 2:24-cv-03691

Complaint filed August 1, 2024

CLASS ACTION

JURY TRIAL DEMANDED

FAITH SPIKER, individually
and on behalf of all others similarly
situated,

Plaintiff,

v.

RITE AID CORPORATION,

Defendant.

Case No. 2:24-cv-03807

Complaint filed August 5, 2024

CLASS ACTION

JURY TRIAL DEMANDED

JIMMIE RAY HALE, JR., individually
and on behalf of all others similarly
situated,

Plaintiff,

v.

RITE AID CORPORATION,

Defendant.

Case No. 2:24-cv-03885

Complaint filed August 6, 2024

CLASS ACTION

JURY TRIAL DEMANDED

**ORDER GRANTING PLAINTIFFS' MOTION TO
CONSOLIDATE CASES, APPOINT INTERIM CO-LEAD COUNSEL,
AND SET A SCHEDULE FOR THE FILING OF A
CONSOLIDATED AMENDED COMPLAINT**

THIS MATTER, having come before the Court by the Plaintiffs in the above-captioned cases by their Motion to Consolidate Cases, Appoint Executive Leadership Committee pursuant to Fed. R. Civ. P. 42(a) and 23(g), and Set a Schedule for the Filing of a Single Consolidated Complaint, and supporting materials, and the Court having read the papers, IT IS ORDERED that the Motion is GRANTED as set forth below:

1. The Court hereby consolidates *Bianucci v. Rite Aid Corporation*, Case No. 2:24-cv-03356, (E.D. Pa.) (the "*Bianucci Action*"); *Judka v. Rite Aid Corporation*, Case No. 2:24-cv-03381 (E.D. Pa.) (the "*Judka Action*"); *Edwards v. Rite Aid Corporation*, Case No. 2:24-cv-03691-HB (E.D. Pa.) (the "*Edwards Action*"); *Spiker v. Rite Aid Corporation*, Case No. 2:24-cv-03807

(E.D. Pa.) (the “*Spiker Action*”), and *Hale v. Rite Aid Corporation*, Case No. 2:24-cv-03885, (E.D. Pa.) (the “*Hale Action*”) as well as any future related actions, under the docket number of this, first filed case: No. 2:24-cv-03356, *Bianucci Action* (collectively the “Consolidated Action”). The clerk is directed to administratively terminate the *Judka*, *Edwards*, *Spiker*, and *Hale* actions.

2. The case file for the Consolidated Action will be maintained under Master File No. 2:24-cv-03356.

3. Any action subsequently filed in, transferred to, or removed to this Court that arises out of the same or similar operative facts as the Consolidated Action shall be consolidated with the Consolidated Action for pre-trial purposes. The parties shall file a Notice of Related Action whenever a case that should be consolidated into this action is filed in, transferred to, or removed to this District.

4. If the Court determines that the case is related, the clerk shall:

- a. Place a copy of this Order in the separate file for such action;
- b. Serve on Plaintiffs’ counsel in the new case a copy of this Order;
- c. Direct that this Order be served upon Defendant(s) in the new case; and
- d. Make appropriate entry in the Master Docket.

5. Pursuant to Fed. R. Civ. P. 23(g), the Court hereby appoints Andrew W. Ferich of Ahdoot & Wolfson, PC, Kevin Laukaitis of Laukaitis Law LLC, Thomas E. Loeser of Cotchett Pitre & McCarthy LLP, Ashley Crooks of Hausfeld LLP, and Benjamin F. Johns of Shub & Johns LLC as interim co-lead counsel on behalf of the Plaintiffs and the class members in the Consolidated Action, with the responsibilities set forth below:

- a. Determine and present (in briefs, oral argument, or such other fashion as may be appropriate, personally or by a designee) to the Court and opposing parties the position of the Plaintiffs on all matters arising during pretrial proceedings;

- b. Coordinate the initiation and conduct of discovery on behalf of Plaintiffs and the putative class consistent with the requirements of the Federal Rules of Civil Procedure;
- c. Convene meetings amongst counsel;
- d. Conduct settlement negotiations on behalf of Plaintiffs and the putative class;
- e. Delegate specific tasks to the Plaintiffs' Steering Committee in a manner to ensure that pretrial preparation for Plaintiffs and the putative class is conducted efficiently and effectively;
- f. Negotiate and enter into stipulations with opposing counsel as necessary for the conduct and efficient advancement of the litigation;
- g. Monitor the activities of all counsel to ensure that schedules are being met and unnecessary expenditures of time and funds are avoided;
- h. Perform such other duties as may be incidental to the proper coordination of Plaintiffs' pretrial activities or authorized by further order of this Court;
- i. Serve as the primary contact for communications between the Court and other Plaintiffs' counsel;
- j. Ensure that all notices, orders, and material communications are properly distributed (to the extent that they are not otherwise served on Plaintiffs' counsel *via* the Court's electronic filing system);
- k. Communicate with Defense counsel as necessary to promote the efficient advancement of this litigation;
- l. Make available to other Plaintiffs' counsel documents produced by the Defendants; and
- m. Allocate attorneys' fees.

6. Plaintiffs' Co-Lead Counsel shall have sole authority to communicate with Defendant's counsel—including with respect to settlement and settlement negotiations—and the Court on behalf of any Plaintiff unless that authority is expressly delegated to other counsel.

Defendant's counsel may rely on all agreements made with the Executive Leadership Committee, and such agreements shall be binding on all other plaintiffs' counsel.

7. This Order shall apply to the above-captioned matters, any subsequently consolidated action, any actions consolidated with the above-captioned matters, and any actions filed in, transferred to, removed to, or otherwise sent to this Court relating to the facts and the data breach underlying this litigation.

8. Interim Co-Lead Counsel must serve a copy of this Order and all future orders promptly by overnight delivery service, facsimile, or other expeditious electronic means on counsel for plaintiffs in any related action to the extent that interim co-lead counsel are aware or become aware of any such action(s) and on all attorneys for plaintiffs whose cases may subsequently consolidated with the above actions.

9. Plaintiffs in the Consolidated Action shall file an operative, consolidated complaint on or before September 16, 2024.

10. The Court will hold an in-person status conference with counsel on Tuesday, September 24, 2024 at 1:30 p.m. in Courtroom 16A, United States Courthouse, Philadelphia, Pennsylvania.

Dated: August 16, 2024

/s/ Harvey Bartle III

J.