

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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GLEN HARNISH, DANIEL DURGIN)	
and CRAIG MOSKOWITZ, on behalf of)	
themselves and all others similarly situated,)	
)	
	Plaintiffs,)	
)	Civil Action No.: 1:14-cv-14075-RWZ
vs.)	
)	
THE HOME DEPOT, INC.,)	
)	
	Defendant.)	
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UNOPPOSED MOTION TO STAY

Defendant The Home Depot, Inc. (“Defendant”) hereby requests that the Court stay this litigation pending resolution of a motion for transfer and consolidation under 28 U.S.C. § 1407 that is currently pending before the Judicial Panel on Multi-District Litigation. Plaintiffs do not oppose the relief sought by this Motion.

This case is one of more than thirty putative class actions filed in connection with a criminal intrusion into Defendant’s payment data system. Plaintiffs filed their Complaint on November 4, 2014. Defendant’s response to the Complaint is currently due on December 3, 2014.

On September 15, 2014, certain Plaintiffs filed a Motion for Consolidation and Transfer Under 28 U.S.C. § 1407 with the Multi-District Litigation Panel (“MDL Panel”) in *In re the Home Depot, Inc. Customer Data Security Breach Litigation*, MDL No. 2583. Certain Plaintiffs then filed an Amended Motion for Consolidation and Transfer with the MDL Panel seeking to have a total of ten actions consolidated and transferred to the Northern District of Georgia. Since

that time, several notices of related actions have been filed with the MDL Panel, raising the number of cases associated with the MDL proceeding to more than twenty-seven.

All of the parties who filed responses to the Amended Motion for Consolidation and Transfer in the MDL proceeding, including Defendant, support consolidation, although a small minority of plaintiffs support transfer to different courts. *See* Defendant Home Depot U.S.A., Inc.'s Reply in Support of Plaintiffs' Amended Motion for Consolidation and Transfer Under 28 U.S.C. § 1407, *In re The Home Depot, Inc. Customer Data Security Breach Litigation*, MDL No. 2583, Dkt. No. 92 (J.P.M.L. Nov. 3, 2010) (summarizing positions taken by the parties). The MDL Panel has scheduled a hearing on the transfer motion for December 4, 2014, and Defendant expects the MDL Panel to grant the request for consolidation and transfer and establish an MDL for the putative class actions against Defendant.

In the event the MDL Panel grants the motion for consolidation and transfer, this case will be consolidated with other putative class actions for pretrial proceedings. Accordingly, Defendant respectfully requests that the Court stay all proceedings and deadlines in this case, pending the MDL Panel's decision on the transfer motion. A proposed order is attached hereto as **Exhibit A**.

Respectfully submitted,

Defendant

THE HOME DEPOT, INC.

By her attorneys,

/s/ C. Elizabeth Brady Murillo

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Dated: November 24, 2014

LOCAL RULE 7.1 CERTIFICATION

I hereby certify that Robert D. Friedman conferred with David Pastor, counsel for the Plaintiffs, about matters related to this motion via electronic mail on November 21 and 24, 2014. Counsel for the Plaintiffs stated that he does not oppose this motion.

/s/ Elizabeth Brady Murillo

C. Elizabeth Brady Murillo (BBO #661397)

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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing, and paper copies will be sent to those indicated as non registered participants on November 24, 2014.

/s/ Elizabeth Brady Murillo

C. Elizabeth Brady Murillo (BBO #661397)

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