

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MINNESOTA**

IN RE: SuperValu Inc., Customer Data  
Security Breach Litigation

**PRETRIAL ORDER NO. 2**  
Court File No. 14-MD-2586 ADM/TNL

This Document Relates to:  
All Actions

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The above-entitled matter came before the undersigned United States District Judge on April 20, 2015, to discuss case management issues, including filing deadlines and the commencement of discovery.

Upon consideration of the submissions and the arguments of the parties, IT IS HEREBY ORDERED as follows:

**A. FILING DEADLINES AND DISCOVERY**

1. Plaintiffs, through Interim Lead Counsel and Liaison Counsel, shall file a Consolidated Class Action Complaint on or before June 5, 2015.
2. Defendants shall file an answer or other responsive pleading on or before July 20, 2015, which is within 45 days of the date Plaintiffs file their Consolidated Class Action Complaint. If Defendants file motions to dismiss the Consolidated Class Action Complaint, any opposition to the motions shall be due on or before September 3, 2015, which is 45 days thereafter, and any reply brief by Defendants in support of their motions shall be due on or before September 23, 2015, which is 20 days after Plaintiffs' opposition is filed. Before Defendants file any motions to dismiss, Plaintiffs and Defendants shall jointly contact the Court to reserve a mutually convenient hearing date for oral argument.
3. Plaintiffs shall be entitled to serve discovery requests upon Defendants at any

time after filing their Consolidated Class Action Complaint seeking information on the following topics: (1) Defendants' corporate structure, corporate relationships, and respective responsibilities with respect to payment-card data security; (2) when the data breach occurred, the number of cards affected by the data breach and whether data was taken or used. All other discovery is stayed pending the Court's decision on Defendants' motions to dismiss the Consolidated Class Action Complaint.

4. In the event that Defendants' motions to dismiss are denied Defendants shall file their answer to the Consolidated Class Action Complaint within 21 days after entry of the order, or within 21 days after the filing of any Amended Consolidated Class Action Complaint permitted by the Court, whichever is later.

**B. GENERAL GUIDELINES FOR FILING IN THE MDL**

All parties participating in the MDL are required to be familiar with the following filing guidelines:

1. Caption of Case. All Orders, pleadings, motions, and other documents served or filed in this Consolidated Action shall have the following caption:

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

IN RE: SuperValu, Inc., Customer  
Data Security Breach Litigation

MDL No. 14-2586 ADM/TNL

This Document Relates to [“All Actions” or specify by title and case number the individual applicable cases if the document relates to less than all of the consolidated cases]

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2. Master File. The Clerk will maintain a Master Case File, MDL No. 14-2586 ADM/TNL. The Master Case File is set up with the following parties: Plaintiffs' Interim Co-Lead Counsel, Plaintiffs' Interim Executive Committee, Plaintiffs' Interim Liaison Counsel, and individual defendants. These parties will appear in MDL No. 14-2586 ADM/TNL as Lead Parties. Plaintiffs from the other individual cases will be added to MDL No. 14-2586 ADM/TNL as Notice-Only parties.

3. Separate Dockets and Files. The Clerk will maintain a separate docket for each case initiated, removed, or transferred to this Court. Each such case will be assigned a separate case number in this Court.

4. Notice of Appearance. All parties shall file a Notice of Appearance in the MDL No. 14-2586 ADM/TNL. The Notice of Appearance shall specifically list the individual case to which it applies.

5. Filing. All orders, pleadings, motions, and other documents that are normally filed in a civil action as required by Federal Rule of Civil Procedure 5 and that relate to an individual case shall be filed in both MDL No. 14-2586 ADM/TNL and the individual case. Those documents shall indicate in their caption the case number of the individual case to which they apply. Documents relating to "ALL ACTIONS" shall be filed only in MDL No. 14-2586 ADM/TNL.

6. Electronic Filing. Any pleading or paper shall be filed electronically according to this district's CM/ECF Civil Manual For New Users guide, available at [http://www.mnd.uscourts.gov/cmecf/reference\\_guides.shtml](http://www.mnd.uscourts.gov/cmecf/reference_guides.shtml).

7. Motion Filing. Any motion or other request for a ruling from the Court must be

filed electronically as a motion on CM/ECF. Any opposition to a motion or any reply to a motion must be electronically linked to a motion on CM/ECF. In addition, the caption of any such document shall include a reference to the motion's exact title and/or docket number and, as required by paragraph B. 5 above, be filed in both MDL No. 14-2586 ADM/TNL and the individual case, unless the motion applies to "ALL ACTIONS." The parties shall comply with the requirements of Rule 7.1 of the Local Rules for the District of Minnesota when filing both dispositive and non-dispositive motions. Absent a Court order, only those documents described in Local Rule 7.1 will be allowed to be filed with respect to a particular motion.

8. Stipulations. Any stipulation by the parties must be filed on CM/ECF.

9. Courtesy Copies. **Two** courtesy copies of any document related to a motion shall be delivered to the Chambers of Judge Ann D. Montgomery (via U.S. Mail at 300 South Fourth Street, Suite 13W, Minneapolis, Minnesota, 55415 or via hand-delivery to the Clerk's Office). The courtesy copies must contain a reference to the docket number of each particular document and be **bound and tabbed**, if necessary, in a manner that is easy to use.

10. Proposed Orders. Proposed orders shall be e-mailed to montgomery\_chambers@mnd.uscourts.gov. All proposed orders shall be **unsigned** and must **not** be filed as any attachment or separate document on CM/ECF. The subject line on the e-mail message will contain an explicit reference to the SuperValu MDL and to the motion or other matter to which the proposed order pertains.

11. Chambers' E-mail. Other than proposed orders and agendas, Statements of Issues, and any other document specifically requested by the Court, no other documents shall be e-mailed to the chambers' e-mail address.

12. Discovery Requests and Responses. Pursuant to Fed. R. Civ. P. 5(d), discovery requests and responses will not be filed with the Court, except when specifically ordered by the Court.

13. Rules of Civil Procedure. All actions in this MDL shall be governed by the Federal Rules of Civil Procedure; the Local Rules for the District of Minnesota, including Local Rules 72.1 (“Magistrate Judge Duties”) and 72.2 (“Review of Magistrate Judge Rulings”); and the Electronic Case Filing Procedures for the District of Minnesota. The parties are expected to be familiar with the Local Rules for the District of Minnesota and the Electronic Case Filing Procedures for the District of Minnesota.

14. Briefing Schedules. Unless the Court approves other briefing schedules, the briefing schedule for all motions filed must be made pursuant to the Federal Rules of Civil Procedure and the Local Rules for the District of Minnesota.

15. Applicability of This Order. This Order applies automatically to all actions listed in the JPML’s December 16, 2014 Transfer Order, as well as any other actions subsequently transferred to, removed to, or initiated in this Court, without the necessity of future motions or orders.

16. Motions Pending When Case is Transferred to This MDL. Any motion that was pending before transfer to this MDL is not now pending. If a party wishes for a motion that was pending to be heard, that party must re-file the motion in this MDL.

17. Service of Documents. Service of documents in this MDL is made pursuant to Federal Rule of Civil Procedure 5.

18. Admission of Counsel. Attorneys admitted to practice and in good standing in

any United States District Court are admitted as MDL attorneys in this litigation. Association of local co-counsel is not required. Counsel in a newly filed or transferred action shall complete (1) the Electronic Case Filing System Attorney Registration Form (“Registration Form”), and (2) the Notice of Appearance form available at [http://www.mnd.uscourts.gov/FORMS/court\\_forms.shtml#attorneyforms](http://www.mnd.uscourts.gov/FORMS/court_forms.shtml#attorneyforms). In addition to familiarizing themselves with the rules discussed above, all counsel are expected to familiarize themselves with the American Bar Association’s *Civil Discovery Standards*, as well as *The Manual for Complex Litigation 4th* (Federal Judicial Center 2004), which the Court and parties may be called upon to refer to as a resource in the case management of this litigation.

19. Official Court Website. The Court has created and will maintain a web page devoted to the SuperValu, Inc., Customer Data Security Breach Litigation, which can be found at <http://www.mnd.uscourts.gov/MDL-SuperValu/index.shtml>. Through this website, parties may access the Orders, minutes, calendar, transcripts, forms used in this MDL, contact information, frequently asked questions, and agendas and reports.

**IT IS SO ORDERED.**

BY THE COURT:

s/Ann D. Montgomery  
ANN D. MONTGOMERY  
U.S. DISTRICT JUDGE

Dated: April 28, 2015.