

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

IN RE: EVOLVE BANK & TRUST)
 CUSTOMER DATA SECURITY)
 LITIGATION)
)
 This Document Relates To:)
)
 ALL CASES)

2:24-md-03127-SHL-cgc

CASE MANAGEMENT ORDER NO. 1

On November 21, 2024, the Court conducted a virtual initial case management conference at which it addressed scheduling and other issues in this multidistrict litigation. (ECF No. 38.) At the conference, the Court made certain determinations and set the following deadlines:

The Court held in abeyance ruling on the Motion to Appoint Leadership (ECF No. 34), and set a deadline of the close of business on November 25, 2024, for the filing of any objections to that motion. The Court will issue a ruling on the motion after considering it and any objections thereto.

After the Parties informed the Court that they have scheduled a mediation with the Honorable Diane M. Welsh for January 31, 2025, the Court ordered Plaintiffs to file their consolidated complaint by January 20, 2025.

The Court also set a Case Management Conference for 9:30 a.m. February 28, 2025, which will be conducted via Microsoft Teams.¹ By February 24, 2025, the Parties shall submit

¹ To the extent this matter settles at mediation or otherwise, the Parties shall notify the Court as soon thereafter as possible, and file any appropriate motions.

to the Court a joint proposed Case Management Order (“CMO”). The CMO shall include proposed deadlines for the following: responsive pleadings; initial disclosures; dispositive motions; a discovery plan; class certification and its opposition; expert reports; expert discovery; Daubert motions and their opposition; dates for a pretrial conference; and trial dates.

Additionally, the Court recommends that the CMO address the following: (a) establishment of document repository in a search-capable form; (b) uniform numbering system for documents; (c) procedures for exchanging digital materials; and a preservation order, if appropriate.

The Parties shall also submit, by February 24, 2025, position briefs, one from Plaintiffs and one from Defendants. The position briefs should outline the primary facts, claims, and defenses involved in this litigation, as well as the anticipated critical factual and legal disputes and possibility of settlement.

At the conference, the Court also determined that any attorneys not admitted to practice in the Western District of Tennessee who seek to represent a Party in this litigation will not be required to apply for pro hac vice admission consistent with Local Rule 83.4(d), so long as they are a member in good standing of the Bar of any district court of the United States.

Finally, the Court instructed the Parties to file their Federal Rule of Civil Procedure 7.1 disclosure statements on the docket in the consolidated matter, even if they previously filed disclosure statements in cases that were transferred to this Court as part of the MDL.

IT IS SO ORDERED, this 21st day of November, 2024.

s/ Sheryl H. Lipman

SHERYL H. LIPMAN
CHIEF UNITED STATES DISTRICT JUDGE