

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

IN RE: CAPITAL ONE CONSUMER)
DATA SECURITY BREACH LITIGATION) MDL No. 1:19md2915 (AJT/JFA)
_____)

This Document Relates to ALL Cases

PRETRIAL ORDER #6
Discovery on Damages

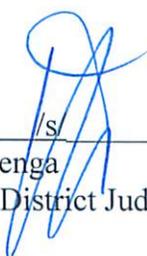
On January 13, 2020, Defendants Capital One Financial Corporation, Capital One Bank (USA), N.A., and Capital One, N.A. (“Defendants” or “Capital One”) submitted their report concerning preliminary unresolved objections to the parties’ proposed discovery plans pursuant to Paragraph 10 of Pretrial Order #1 [Doc. 3] (“PTO-1”). [Doc. 271] (the “Report”). In the Report, Defendants note that Section 10(a) of PTO-1 currently provides that “[d]iscovery on damages is deferred until further notice” and “respectfully request that the Court amend Section 10(a) of PTO-1 to allow damages-related discovery to proceed concurrently with discovery on liability and other issues” because “discovery on Plaintiffs’ purported damages and injuries is critical to threshold issues, including whether Plaintiffs possess Article III standing” Report at 1-2. It appearing to the Court that conducting discovery on Plaintiffs’ purported damages concurrently with discovery on other issues will promote judicial economy and would avoid imposing disproportionate discovery burdens on Defendants at a later time, and it further appearing to the Court that Plaintiffs have no objection to proceeding with damages- and injury-related discovery immediately, it is hereby

ORDERED that Paragraph 10(a) of PTO-1 [Doc. 3] be, and the same hereby is, **AMENDED** to permit all damages- and injury-related discovery, other than discovery related to

experts, to proceed concurrently with discovery on liability and other issues.

All other deadlines and provisions as set forth in PTO-1 shall remain in full force and effect.

The Clerk is directed to docket this Order in the lead case (1:19md2915), as required per PTO-1.



/s/
Anthony J. Trenga
United States District Judge

Alexandria, Virginia
January 23, 2020