

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 #8
Representative Complaint;
Litigation Schedule; Monthly Status Conferences

On January 29, 2020, the Court held the Initial Status Conference, as scheduled in its Amended Pretrial Order #4 [Doc. 247]. During that status conference, the Court made certain rulings concerning the filing of a representative, as opposed to a consolidated, complaint, the proposed litigation / discovery schedules, and the scheduling of monthly status conferences, and to further memorialize those rulings for the public record, it is hereby

ORDERED that a status conference shall take place on the second Tuesday of each month at 2:00 p.m. Eastern Time beginning in March 2020; and it is further

ORDERED that Plaintiffs' Lead Counsel shall file a representative complaint in this matter in accordance with the litigation schedule set forth herein; and to the extent the Plaintiffs' representative complaint does not include those causes of action asserted in the complaint filed in *Broderick v. Capital One Financial Corporation, et al.*, Case No. 1:19-cv-1454 or joins claims against GitHub, Inc., which has been joined as a defendant in certain actions that are a part of this Multi-District Litigation (collectively, the "Non-Representative Actions"), the defendants in the Non-Representative Actions shall file in those actions, separate and apart from the representative complaint, an answer or a motion to dismiss, which shall be briefed and heard in accordance with the litigation schedule set forth herein as it pertains to the representative

complaint, and the plaintiffs' counsel in the Non-Representative Actions are directed to respond to any filed motions to dismiss, with Plaintiffs' Lead Counsel relieved of any responsibility to do so; provided, however, that plaintiffs' counsel in the Non-Representative Actions are not otherwise authorized to act except in accordance with Pretrial Order #1, including with respect to discovery, which shall continue to be pursued through Lead Plaintiffs' Counsel; and it is further

ORDERED that the following litigation schedule shall govern these proceedings:

Date / Time	Event
February 13, 2020	Pursuant to Local Rule 26, objections to written discovery due
February 28, 2020	Answers to initial interrogatories, written responses to initial document requests, and initial privilege log due; production to begin shortly thereafter
March 2, 2020	Plaintiffs' Lead Counsel to file representative complaint(s)
April 1, 2020	Defendants to file answers or motions to dismiss any representative or consolidated complaint(s)
April 22, 2020	Plaintiffs to file response to any motions to dismiss any representative or consolidated complaint(s)
May 6, 2020	Defendants to file any replies in support of their motions to dismiss any representative or consolidated complaint
May 27, 2020 (at 10:00 a.m.)	Hearing on motions to dismiss
August 21, 2020	Fact discovery closes
September 21, 2020	Lead Counsel to serve disclosure of expert(s) and expert report(s)
October 21, 2020	Lead Counsel to identify rebuttal expert(s) and serve rebuttal expert report(s)
November 23, 2020	Lead Counsel to complete any depositions of experts or rebuttal experts
November 23, 2020	Expert discovery closes
December 21, 2020	Lead Plaintiffs' Counsel to file any motion for class certification

January 19, 2021	Defendants to file response in opposition to motion for class certification and related <i>Daubert</i> motions
February 8, 2021	Plaintiffs' reply in support of class certification and response in opposition to any related <i>Daubert</i> motions
February 18, 2021	Defendants' replies in support of any <i>Daubert</i> motions related to class certification
March 1, 2021	Deadline to file any motions for summary judgment (including any Article III challenges) and related <i>Daubert</i> motions
March 31, 2021	Responses in opposition to any motions for summary judgment and related <i>Daubert</i> motions
April 21, 2021	Replies in support of any motions for summary judgment and <i>Daubert</i> Motions.

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 29, 2020