

**UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE**

<b>IN RE HANNAFORD BROS. CO.</b>	]	
<b>CUSTOMER DATA SECURITY</b>	]	<b>MDL DOCKET NO. 2:08-MD-1954-DBH</b>
<b>BREACH LITIGATION</b>	]	

**PRACTICE AND PROCEDURE ORDER UPON TRANSFER  
PURSUANT TO 28 U.S.C. § 1407(a)**

1. This order shall govern the practice and procedure in those actions transferred to this Court by the Judicial Panel on Multidistrict Litigation pursuant to their order of June 9, 2008, as well as all related actions originally filed in this court or transferred or removed to this Court. These actions are listed in *Schedule A*, attached hereto. This order shall also govern the practice and procedure in any tag-along actions transferred to this court by the Judicial Panel on Multidistrict Litigation pursuant to Rule 12 of the Rules of Procedure of that Panel subsequent to the filing of the final transfer order and any related actions subsequently filed in this Court or otherwise transferred or removed to this Court.
2. The actions described in paragraph 1 of this order are consolidated for pretrial purposes.
3. Any pleading or paper shall be filed electronically; no copies will be necessary. All papers filed in these actions shall bear the identification "MDL Docket No. 2:08-md-1954," and when such paper related to all these actions, the MDL docket number shall be followed only by the notation "ALL CASES." If such paper does not relate to all of these actions, the individual docket numbers assigned by the Clerk of Court (as listed in *Schedule A*, attached hereto) of those actions to which the paper relates shall also be listed.
4. Any paper which is to be filed in any of these actions shall be filed with the Clerk of this Court and not with the transferor district court.
5. Counsel who appeared in the transferor district court prior to the transfer need not enter a separate appearance before this Court.
6. Prior to the initial pretrial conference, service of all papers shall be made on ECF. Any lawyer who wishes to have his or her name added to or deleted

from the Attorney Service List may do so upon ECF request to the Clerk of this Court.

7. No parties to any of these actions shall be required to obtain local counsel in this District and the requirements of Rule 83.1(c)(1) of the Rules of this Court are waived as to any lawyer appearing in these actions who is duly admitted to practice before any United States court.
8. Hearings shall not be held on any motions filed except by order of court upon such notice as the Court may direct.
9. Any paper filed in any of these actions which is substantially identical to any other paper filed in another of these actions shall be sufficient if it incorporates by reference the paper to which it is substantially identical. Where counsel for more than one party plan to file substantially identical papers, they shall join in the submission of such papers and shall file only one paper on behalf of all so joined.
10. Any orders, including protective orders entered by any transferor district court, shall remain in full force and effect unless modified by this Court upon application.
11. All discovery proceedings in these actions are **STAYED** until further order of this Court, and the time requirements to perform any acts or file any papers pursuant to Fed. R. Civ. P. 26 through 37 are tolled until the initial pretrial conference at which time a discovery schedule will be established.
12. The court will be guided by the Manual for Complex Litigation, Fourth approved by the Judicial Conference of the United States and counsel are directed to familiarize themselves with that publication.
13. The Court will also be guided by the Rules of Procedure of the Judicial Panel on Multidistrict Litigation. Counsel's attention is specifically directed to Rule 5.3, like Fed. R. Civ. P. 7.1, which requires the filing of a corporate disclosure statement. A copy of this statement shall be filed with this Court by **Monday, June 23, 2008**.
14. Counsel should familiarize themselves the Local Rules of this Court which may be viewed at <http://www.med.uscourts.gov>. At this website you will also find opinions filed in MDL cases (<http://www.med.uscourts.gov/Site/opinions/hornby>), and miscellaneous information regarding MDL under Operations and Filings.
15. Counsel should visit our website at [www.med.uscourts.gov](http://www.med.uscourts.gov) to view (a) the Administrative Procedures Governing the Filing and Service by Electronic Means, (b) the User Manual and (c) information regarding on-line training.

You may also download the ECF registration form. Completed ECF registration forms may be emailed to [newcases.portland@med.uscourts.gov](mailto:newcases.portland@med.uscourts.gov) for processing.

16. The case managers responsible for this litigation are Melody Whitten (207.780.3356 ext. 2211) and Lois Downs (207.780.3356 ext. 2213) to whom all inquiries shall be made. The mailing address of the Court is: **U.S. District Court, 156 Federal Street, Portland, ME 04101**. Any requests for copies shall be directed to Bob Allen at [bob@med.uscourts.gov](mailto:bob@med.uscourts.gov) or 207.780.3356 ext 200.
17. All other matters will be discussed at the initial pretrial conference to be held on Thursday, July 10, 2008, at 9:00 a.m. By Thursday, July 3, 2008, counsel shall furnish suggestions for items to be included on the agenda for this conference.

**SO ORDERED.**

**DATED THIS 11TH DAY OF JUNE, 2008**

/s/D. Brock Hornby \_\_\_\_\_  
**D. BROCK HORNBY**  
**UNITED STATES DISTRICT JUDGE**

**SCHEDULE A**

**Middle District of Florida**

Jerzy Dobryniewski v. Delhaize America, Inc., et al., C.A. No. 2:08-235 (District of Maine Case No. 2:08-cv-187)  
David Hurd v. Delhaize America, Inc., et al., C.A. No. 2:08-261 (District of Maine Case No. 2:08-cv-188)  
Jackie Zumba v. Hannaford Bros. Co. et al., C.A. No. 8:08-565 (District of Maine Case No. 2:08-cv-189)

**District of Maine**

Melinda J. Ryan, et al. v. Delhaize America, Inc., et al., C.A. No. 1:08-86  
Greg Doherty v. Hannaford Bros. Co., C.A. No. 2:08-89  
Kathleen Wheeler v. Hannaford Bros. Co., C.A. No. 2:08-91  
Brian Bradbury v. Delhaize America, Inc., et al., C.A. No. 2:08-93  
Sam Micalizzi v. Delhaize America, Inc., et al., C.A. No. 2:08-94  
Leonard Assner, et al. v. Hannaford Bros. Co., et al., C.A. No. 2:08-95  
Marjorie Fischer, et al. v. Hannaford Bros. Co., C.A. No. 2:08-98  
Christine Tushin v. Hannaford Bros. Co., C.A. No. 2:08-103  
U. Nekol Pyle v. Hannaford Bros. Co., C.A. No. 2:08-104  
Christopher L. Grittani v. Hannaford Bros. Co., et al., C.A. No. 2:08-110  
Gail Wyman v. Hannaford Bros. Co., et al., C.A. No. 2:08-111  
Steve Termine v. Hannaford Bros. Co., et al., C.A. No. 2:08-112

**District of New Hampshire**

Arline Nenni, et al. v. Hannaford Bros. Co., C.A. No. 1:08-106 (District of Maine Case No. 2:08-cv-190)

**Northern District of New York**

Todd Stevens v. Hannaford Bros. Co., et al., C.A. No. 1:08-341 (District of Maine Case No. 2:08-cv-191)

**U.S. DISTRICT COURT  
DISTRICT OF MAINE (PORTLAND)  
CIVIL DOCKET FOR CASE #: 2:08MD1954 (DBH)**

**JERZY DOBRYNIEWSKI**, *on behalf of himself and all others similarly situated,*

and

**DAVID HURD**, *on behalf of himself and all others similarly situated,*

and

Represented By **DOUGLASS A. KREIS  
NEIL D. OVERHOLTZ**  
Aylstock, Witkin, Kreis & Overholtz  
803 N. Palafox Street  
Pensacola, FL 32501  
(850) 202-1010  
email: [dkreis@awkolaw.com](mailto:dkreis@awkolaw.com)  
[noverholtz@awkolaw.com](mailto:noverholtz@awkolaw.com)

**HOWARD M. BUSHMAN  
LANCE A. HARKE**  
Harke & Clasby LLP  
155 South Miami Avenue, Suite 600  
Miami, FL 33130  
(305) 536-8220  
email: [hbushman@harkeclasby.com](mailto:hbushman@harkeclasby.com)  
[lharke@harkeclasby.com](mailto:lharke@harkeclasby.com)

**ARLINE NENNI,**

and

**SIMONE MAJOR,**

and

**MICHAEL MIEHLE,**

and

**SARAH GAGNON,**

and

Represented By **C. KEVIN LEONARD**  
Douglas Leonard & Garvey  
6 Loudon Road, Suite 502  
Concord, NH 03301-5321  
(603) 224-1988

**TODD STEVENS**, *on behalf of himself and all others similarly situated,*

and

Represented By **WILLIAM RYAN, JR.**  
Tabner, Ryan And Keniry LLP  
18 Corporate Woods Boulevard, Suite 8  
Albany, NY 12211  
(518) 465-9500

**JACKIE ZUMBA**, *on behalf of herself and all others similarly situated,*

and

Represented By **DANIEL A. BUSHELL  
MARC A. WITES**  
Wites & Kapetan P.A.  
400 N. Federal Hwy  
Lighthouse Point, FL 33064  
(954) 570-8989

**MELINDA J. RYAN**, *on behalf of herself and all others similarly situated,*

**and**

**Brian Bradbury,**

**and**

**GREG DOHERTY**, *on behalf of himself and all others similarly situated,*

**and**

**LEONARD ASSNER**, *on behalf of himself and all others similarly situated,*

**and**

**SIMON STRAUB**, *on behalf of himself and all others similarly situated,*

**and**

**JENNIFER BOES**, *on behalf of herself and all others similarly situated,*

**and**

**KATHLEEN WHEELER**, *on behalf of herself and all others similarly situated,*

**and**

Represented By **HOWARD M. BUSHMAN**  
**LANCE A. HARKE**  
Harke & Clasby LLP  
155 South Miami Avenue, Suite 600  
Miami, FL 33130  
(305) 536-8220  
email: [hbushman@harkeclasby.com](mailto:hbushman@harkeclasby.com)  
[lharke@harkeclasby.com](mailto:lharke@harkeclasby.com)

**SAMUEL W. LANHAM, JR.**  
Lanham Blackwell, P.A.  
470 Evergreen Woods  
Bangor, ME 04401  
(207) 942-2898  
email: [slanham@lanhamblackwell.com](mailto:slanham@lanhamblackwell.com)

Represented By **JON LAMBIAS**  
**MICHAEL T. FANTINI**  
**SHERIE R. SAVETT**  
Berger & Montague, P.C.  
1622 Locust Street  
Philadelphia, PA 19103  
(215) 875-3036  
email: [jlambiras@bm.net](mailto:jlambiras@bm.net)  
[mfantini@bm.net](mailto:mfantini@bm.net)  
[ssavett@bm.net](mailto:ssavett@bm.net)

**SIDNEY ST. F. THAXTER**  
Curtis, Thaxter, Stevens, Broder, &  
Micoleau  
P. O. Box 7320  
Portland, ME 04112-7320  
(207) 774-9000  
email: [sthaxter@curtisthaxter.com](mailto:sthaxter@curtisthaxter.com)

Represented By **BEN BARNOW**  
**BLAKE A. STRAUTINS**  
**ERICH P. SCHORK**  
Barnow & Associates, P.C.  
One North LaSalle Street, Suite 4600  
Chicago, IL 60602  
(312) 621-2000  
email: [b.barnow@barnowlaw.com](mailto:b.barnow@barnowlaw.com)  
[b.strautins@barnowlaw.com](mailto:b.strautins@barnowlaw.com)  
[e.schork@barnowlaw.com](mailto:e.schork@barnowlaw.com)

**BURTON H. FINKELSTEIN**  
**ELIZABETH K. TRIPODI**  
**HALLEY F. ASCHER**

Finkelstein Thompson LLP  
The Duvall Foundry  
1050 30th Street, N.W.  
Washington, DC 20007  
(202) 337-8000  
email:

[bfinkelstein@finkelsteinthompson.com](mailto:bfinkelstein@finkelsteinthompson.com)  
[etripodi@finkelsteinthompson.com](mailto:etripodi@finkelsteinthompson.com)  
[hascher@finkelsteinthompson.com](mailto:hascher@finkelsteinthompson.com)

**ROBERT J. STOLT**

Lipman, Katz & McKee  
P.O. Box 1051  
Augusta, ME 04332-1051  
(207) 622-3711  
email:

[rstolt@lipmankatzmckee.com](mailto:rstolt@lipmankatzmckee.com)

**SAM MICALIZZI**, *on behalf of  
himself and all others similarly  
situated*

**and**

Represented By **JOE R. WHATLEY, JR.**  
**MITCHELL M. BREIT**

Whatley Drake Kallas  
1540 Broadway, 37th Floor  
New York, NY 10036  
(212) 447-7070  
email:

[jwhatley@wdklaw.com](mailto:jwhatley@wdklaw.com)  
[mbreit@wdklaw.com](mailto:mbreit@wdklaw.com)

**SAMUEL W. LANHAM, JR.**

Lanham Blackwell, P.A.  
470 Evergreen Woods  
Bangor, ME 04401  
(207) 942-2898  
email:

[slanham@lanhamblackwell.com](mailto:slanham@lanhamblackwell.com)

**MARJORIE FISCHER**, *on behalf of  
herself and all others similarly  
situated,*

**and**

**ELLEN BEST**, *on behalf of herself  
and all others similarly situated,*

**and**

**U. NEKOL PYLE**, *on behalf of  
herself and all others similarly  
situated,*

**and**

Represented By **PETER L. MURRAY**

**THOMAS L. DOUGLAS**  
**THOMAS C. NEWMAN**

Murray, Plumb & Murray  
P.O. Box 9785  
Portland, ME 04104-5085  
(207) 773-5651  
email:

[pmurray@mpmlaw.com](mailto:pmurray@mpmlaw.com)  
[tdouglas@mpmlaw.com](mailto:tdouglas@mpmlaw.com)  
[tnewman@mpmlaw.com](mailto:tnewman@mpmlaw.com)

**THOMAS G. SHAPIRO**

**THOMAS V. URMY, JR.**

Shapiro Haber & Urmly Llp  
53 State Street  
Boston, MA 02109  
617-439-3939  
email:

[tshapiro@shulaw.com](mailto:tshapiro@shulaw.com)

[turmy@shulaw.com](mailto:turmy@shulaw.com)

**CHRISTINE TUSHIN**, *on behalf of herself and all others similarly situated,*

**and**

Represented By **DAVID A. ROTHSTEIN**  
**LORENZ MICHEL PRUSS**  
Dimond, Kaplan & Rothstein, P.A.  
2665 South Bayshore Drive, PH-2B  
Coconut Grove, FL 33133  
(305) 374-1920  
email: [drothstein@dkrpa.com](mailto:drothstein@dkrpa.com)  
[lpruss@dkrpa.com](mailto:lpruss@dkrpa.com)

**SAMUEL W. LANHAM, JR.**  
Lanham Blackwell, P.A.  
470 Evergreen Woods  
Bangor, ME 04401  
(207) 942-2898  
email: [slanham@lanhamblackwell.com](mailto:slanham@lanhamblackwell.com)

**CHRISTOPHER L. GRITTANI**, *on behalf of himself and all others similarly situated,*

**and**

Represented By **JAMIE L. SHELLER**  
Sheller, P.C.  
1528 Walnut Street, 3rd Floor  
Philadelphia, PA 19102  
(215) 790-7300  
email: [jsheller@sheller.com](mailto:jsheller@sheller.com)

**ELIZABETH TRASK**, *on behalf of herself and all others similarly situated,*

**and**

**LEWIS J. SAUL**  
**JON HINCK**  
**KEVIN M. FITZGERALD**  
Lewis Saul & Associates  
183 Middle Street, Suite 200  
Portland, ME 04101  
(207) 874-7407  
email: [lsaul@lewissaul.com](mailto:lsaul@lewissaul.com)  
[jhinck@lewissaul.com](mailto:jhinck@lewissaul.com)  
[kfitzgerald@lewissaul.com](mailto:kfitzgerald@lewissaul.com)

**STEVE TERMINE**, *on behalf of himself and all others similarly situated,*

**Plaintiffs**

Represented By **KENNETH A. WEXLER**  
**S. MELISA TWOMEY**  
Wexler Toriseva Wallace LLP  
55 West Monroe Street, Suite 3300  
Chicago, IL 60603  
(312) 346-2222  
email: [kaw@wtwlaw.com](mailto:kaw@wtwlaw.com)  
[smt@wtwlaw.com](mailto:smt@wtwlaw.com)

**SIDNEY ST. F. THAXTER**  
Curtis, Thaxter, Stevens, Broder, & Micoleau  
P. O. Box 7320  
Portland, ME 04112-7320  
(207) 774-9000  
email: [sthaxter@curtisthaxter.com](mailto:sthaxter@curtisthaxter.com)

v.

**DELHAIZE AMERICA, INC.** *d/b/a*  
SWEETBAY,

**and**

**HANNAFORD BROS. CO.,**

**and**

Represented By **CLIFFORD RUPRECHT**  
**JOHN K. HATCH**  
Pierce Atwood LLP  
One Monument Square  
Portland, ME 04101-1110  
(207) 791-1100  
email: [cruprecht@pierceatwood.com](mailto:cruprecht@pierceatwood.com)  
[jhatch@pierceatwood.com](mailto:jhatch@pierceatwood.com)

**CYNTHIA L. MAY**  
**PETER W. ZINOBER**  
Greenberg Traurig LLP  
625 E. Twiggs Street, Suite 100  
Tampa, FL 33602-3925  
(813) 318-5700

**MICHAEL A. OAKES**  
**RICHARD L. WYATT, JR.**  
Akin Gump Strauss Hauer & Feld LLP  
Robert S. Strauss Building  
1333 New Hampshire Ave, N.W.  
Washington, DC 20036  
(202) 887-4268  
email: [moakes@akingump.com](mailto:moakes@akingump.com)  
[rw Wyatt@akingump.com](mailto:rw Wyatt@akingump.com)

**KASH N KARRY FOOD STORES,**  
**INC.,** *d/b/a* SWEETBAY  
SUPERMARKETS,

**Defendants**

Represented By **CYNTHIA L. MAY**  
**PETER W. ZINOBER**  
Greenberg Traurig LLP  
625 E. Twiggs Street, Suite 100  
Tampa, FL 33602-3925  
(813) 318-5700