

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

MICHELLE BILELLO, et al.,)	
)	
Plaintiffs,)	
)	
v.)	No. 20-cv-4770 (JMF)
)	
ESTEE LAUDER, INC., et al.,)	
)	
Defendants.)	
)	
)	
_____)	
)	
KATHY L. GANDY, et al.,)	No. 20-cv-5779 (JMF)
)	
Plaintiffs,)	PROPOSED ORDER
)	
v.)	
)	
ESTEE LAUDER, INC., et al.,)	
)	
Defendants.)	
_____)	

JESSE M. FURMAN, United States District Judge:

WHEREAS, Plaintiffs Palmer McGuinness, Michelle Bilello, Emanuelle Caroleo, and Kar Yee S. Law filed the initial Class Action Complaint, Dkt. No. 20-cv-4770, on behalf of participants and beneficiaries of The Estee Lauder Companies 401(k) Savings Plan (“Plan”), on June 23, 2020.

WHEREAS, Plaintiff Kathy L. Gandy filed a subsequent Class Action Complaint, Dkt. No. 20-cv-5779, on behalf participants and beneficiaries of the Plan, on July 24, 2020;

WHEREAS, the Court entered an Order on July 27, 2020, advising the parties that it would be inclined to consolidate the cases pursuant to Rule 42 of the Federal Rules of Civil Procedure for all purposes if no party opposed such consolidation by August 10, 2020;

WHEREAS, no party to this litigation has opposed consolidation of these actions;

ACCORDINGLY, it is hereby ordered that, pursuant to Rule 42(a)(2) of the Federal Rules of Civil Procedure, the above-captioned actions are consolidated under Dkt. No. 20-cv-4770. Plaintiffs shall file a Consolidated Class Action Complaint by **September 21, 2020**.

Counsel for all Plaintiffs have agreed upon appointment of Capozzi Adler, P.C. as Interim Lead Class Counsel and Edelson Lechtzin LLP as Interim Class Counsel Executive Committee Member. The Court finds that appointment of Capozzi Adler is appropriate based on: (1) the work that Capozzi Adler has done identifying and investigating the claims asserted in the consolidated action; (2) Capozzi Adler's experience handling other class actions, in particular ERISA actions; (3) Capozzi Adler's knowledge of the applicable law; and (4) the resources that Capozzi Adler has invested and has committed to invest on behalf of the putative class. Accordingly, Capozzi Adler is hereby appointed as Interim Lead Class Counsel for the consolidated cases. Edelson Lechtzin is appointed as Interim Class Counsel Executive Committee Member to render assistance in the litigation as deemed necessary by Capozzi Adler.

As Interim Lead Class Counsel, Capozzi Adler shall have authority to perform or delegate the performance of the following matters on behalf of all Plaintiffs in the consolidated action:

- a. directing, coordinating, and supervising the prosecution of Plaintiffs' claims in the consolidated action;
- b. initiating, responding to, scheduling, briefing, and arguing all motions;
- c. appearing at all hearings and conferences regarding the case;
- d. determining the scope, order, and conduct of all discovery proceedings;
- e. assigning work to Plaintiffs' counsel as necessary and appropriate under the circumstances;


- f. retaining experts;
- g. communicating with the Court;
- h. communicating with Defendants' counsel;
- i. conducting settlement negotiations on behalf of Named Plaintiffs and the class;
- j. coordinating activities to avoid duplication and inefficiency in the filing, serving, and/or implementation of pleadings, other court papers, discovery papers, and discovery practice, and, generally, in the litigation; and
- k. performing such other duties that may be incidental to proper coordination of Plaintiffs' pretrial activities or authorized by further order of the Court.

Capozzi Adler shall also have authority to communicate with counsel for Defendants and the Court on behalf of all Plaintiffs and the proposed Class. Defendants' counsel may rely on all agreements made with Capozzi Adler, and such agreements shall be binding. No motion shall be initiated or filed on behalf of any Plaintiff in this action except through Capozzi Adler.

The Clerk of Court is directed to consolidate the above-captioned cases under 20-CV-4770; to terminate 20-CV-4770, ECF No. 10; and to close 20-CV-5779. All future filings shall be made only in 20-cv-4770.

SO ORDERED.

Dated: August 10, 2020
New York, New York



JESSE M. FURMAN
United States District Judge