

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

<p>ALL WRAPPED UP SIGNS AND GRAPHIX LLC, on behalf of itself and others similarly situated, <i>Plaintiff,</i></p> <p>v.</p> <p>VISA INC., <i>Defendant.</i></p>	<p>Case No.: 24-cv-7435 (JGK)</p> <p><u>PROPOSED</u> ORDER GRANTING PLAINTIFFS' MOTION FOR CONSOLIDATION, APPOINTMENT OF INTERIM LEADERSHIP, AND ENTRANCE OF INTERIM SCHEDULE</p>
<p>YABLA, INC., on behalf of itself and all others similarly situated, <i>Plaintiff,</i></p> <p>v.</p> <p>VISA INC., <i>Defendant.</i></p>	<p>Case No.: 24-cv-8045 (JGK)</p>
<p>NDA AESTHETICS, LLC, and WARREN IMPORTS, LLC d/b/a SUBARU WORLD OF HACKETTSTOWN, And all others similarly situated, <i>Plaintiffs,</i></p> <p>v.</p> <p>VISA INC., <i>Defendant.</i></p>	<p>Case No.: 24-cv-8269 (JGK)</p>
<p>BROADWAY GRILL, LLC, on behalf of itself and all others similarly situated, <i>Plaintiff,</i></p> <p>v.</p> <p>VISA INC., <i>Defendant.</i></p>	<p>Case No.: 24-cv-8422 (JGK)</p>

Now before the Court is Plaintiffs' Unopposed Motion for Consolidation of Related Actions and for Appointment of Interim Leadership.

The Court hereby ORDERS:

I. Consolidation of Related Actions

1. Plaintiffs' motion to consolidate related actions is GRANTED.

2. On October 1, 2024, *All Wrapped Up Signs and Graphix LLC v. Visa Inc.*, Case No. 24-cv-7435, was filed in this Court. On October 22, 2024, *Yabla, Inc. v. Visa Inc.*, Case No. 24-cv-8045, was filed in this Court. On October 30, 2024, *NDA Aesthetics, LLC et al. v. Visa Inc.*, Case No. 24-cv-8269, was filed in this Court. On November 5, 2024, *Broadway Grill, LLC v. Visa Inc.*, Case No. 24-cv-8422, was filed in this Court.

3. The Complaints in all four of the above-captioned actions assert similar claims against Defendant Visa Inc. ("Visa") for engaging in the same alleged misconduct. Plaintiffs in each case seek to represent classes of persons and other entities that have accepted Visa-branded debit cards or paid Visa's fees for debit card transaction routing services.

4. Given the substantial similarity of the parties and claims, the four related cases are consolidated into a Consolidated Action pursuant to Federal Rule of Civil Procedure 42(a) for all purposes.

5. The Clerk shall establish a Docket for the Consolidated Action under Civil Action No. 24-cv-7435 (JGK). All papers filed in the Consolidated Action shall be filed on the Docket and shall bear the caption:

IN RE: VISA DEBIT CARD ANTITRUST
LITIGATION

Civil Action No.: 24-cv-7435 (JGK)

6. Plaintiffs are ordered to enter a consolidated complaint in the Consolidated Action no later than December 16, 2024. Visa's deadline to answer, move, or otherwise respond to the consolidated complaint is extended to February 24, 2025.

7. For similar purposes of efficiency and effective administration, any actions related to the Consolidated Action that are brought on behalf of persons or entities that have paid Visa's fees for debit transaction routing services, accepted Visa-Branded Debit Cards, or made purchases using Visa-Branded Debit Cards and that are subsequently filed in or transferred to this District, or to be filed or transferred, shall be consolidated herewith.

II. Appointment of Interim Class Leadership

8. Plaintiffs' motion to appoint Interim Class Leadership is GRANTED.

9. Cohen Milstein Sellers & Toll PLLC ("CMST") and Hausfeld LLP ("Hausfeld") are appointed Interim Co-Lead Counsel for the fee payor class pursuant to Federal Rule of Civil Procedure 23(g)(3).

10. Burns Charest LLP ("Burns Charest") and Cotchett, Pitre & McCarthy, LLP ("Cotchett") are appointed Interim Executive Committee Counsel for the fee payor class pursuant to Federal Rule of Civil Procedure 23(g)(3).

11. Interim Co-Lead Counsel shall be responsible for coordinating and organizing the litigation on behalf of the proposed class in the conduct of this litigation and, in particular, shall have the following responsibilities:

- a. To coordinate with Interim Executive Committee Counsel to prosecute this litigation and carry out the responsibilities below;
- b. To brief and argue motions and file opposing briefs in proceedings initiated by other parties;

- c. To initiate and conduct discovery proceedings;
- d. To act as spokespersons at pretrial conferences;
- e. To negotiate with defense counsel with respect to settlement and other matters;
- f. To call meetings of plaintiffs' counsel when appropriate;
- g. To make all work assignments to plaintiffs' counsel to facilitate the orderly and efficient prosecution of this litigation and to avoid duplicative or unproductive efforts;
- h. To establish a time and expense reporting protocol for all plaintiffs' counsel;
- i. To conduct trial and post-trial proceedings;
- j. To consult with and employ experts;
- k. To allocate any Court-awarded fees and reimbursements of disbursements amongst plaintiffs' counsel after settlement or judgment;
- l. To perform such other duties and undertake such other responsibilities as they deem necessary or desirable for the litigation of Plaintiffs' claims, and;
- m. To coordinate and communicate with defense counsel with respect to matters addressed in this paragraph.

12. No motion, request for discovery, or other pre-trial proceedings shall be initiated or filed by any plaintiff in any Consolidated Action except through Interim Co-Lead Counsel. All plaintiffs' counsel in the Consolidated Action, and in subsequently consolidated or coordinated cases, shall keep contemporaneous time records. In such manner as Interim Co-Lead Counsel shall require, all plaintiffs' counsel shall periodically submit summaries or other records of time and expenses to Interim Co-Lead Class Counsel. Failure to provide such documents and data on a

timely basis may result in the Court's failure to consider non-compliant counsel's application for fees and expenses should this litigation be resolved successfully for Plaintiffs.

13. The appointments made in this Order shall continue until further order of the Court.

SO ORDERED this 26th day of November, 2024



JOHN G. KOELTL, U.S.D.J.