

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL ACTION NO.: 3:12-cv-216**

NORMAN RUSSELL, Individually and on )  
 Behalf of All Other Persons Similarly Situated, )  
 )  
 Plaintiffs, )  
 )  
 v. )  
 )  
 SWISHER HYGIENE, INC., STEVEN R. )  
 BERRARD, and MICHAEL KIPP, )  
 )  
 Defendants. )  
 \_\_\_\_\_ )

**ORDER**

WHEREAS, on or about May 17, 2012 Defendants Swisher Hygiene, Inc. (“Swisher”), Steven R. Berrard (“Berrard”), and Michael Kipp (“Kipp”), (referred to collectively herein as “Defendants”) filed a Consent Motion to Consolidate two related punitive securities class actions, *Birch v. Swisher Hygiene, Inc.*, et al., No. 3:12-cv-00221-FDW-DCK (filed April 9, 2012) (the “*Birch* Lawsuit”) and *Cohen v. Swisher Hygiene, Inc. et al.*, No. 3:12-cv-00256-FDW-DSC (filed April 25, 2012) (the “*Cohen* Lawsuit”) with this case;

WHEREAS, on May 17, 2012, Defendants also filed motions for extension of time to serve an answer or other responsive pleadings and entry of related scheduling order in the *Cohen* Lawsuit, the *Birch* Lawsuit, and in this case;

WHEREAS, on May 18, 2012, this Court granted Defendants’ Consent Motion to Consolidate the *Birch* Lawsuit and the *Cohen* Lawsuit into this case;

WHEREAS, immediately after granting the Consent Motion to Consolidate, this Court also granted the consent motion for extension of time to serve Answer or Other Responsive Pleading and Entry of Related Scheduling Order in this case; and

WHEREAS, the motions for extension of time previously filed in the *Cohen* Lawsuit and the *Birch* Lawsuit remain pending.

Based upon the foregoing, the Court ORDERS as follows:

1. Plaintiffs shall file a consolidated amended complaint no more than sixty (60) days after entry of the Court's forthcoming Order designating lead plaintiff and lead counsel; and
2. The time for Defendants to answer, move against or otherwise respond to the consolidated amended complaint is extended up to and including sixty (60) days after the filing of the consolidated amended complaint; and
3. Defendants are otherwise relieved of their obligation to answer or otherwise respond to the previously filed Complaints in the *Cohen* Lawsuit, the *Birch* Lawsuit and in this case.

IT IS SO ORDERED.

Signed: May 23, 2012

A handwritten signature in black ink, appearing to read "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen  
United States District Judge

