

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:13-cv-00449-GCM

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TOM BORTHWICK, derivatively on
behalf of SWISHER HYGIENE, INC., :

Plaintiff, :

vs. :

STEVEN R. BERRARD, MICHAEL J. :
KIPP, DAVID O. BRALEY, JOHN :
ELLIS BUSH, HARRIS W. HUDSON, :
H. WAYNE HUIZENGA, WILLIAM D. :
PRUITT, DAVID PRUSSKY, :
RICHARD L. HANDLEY and :
MICHAEL SERRUYA, :

Defendants, :

and :

SWISHER HYGIENE, INC., :

Nominal Defendant. :

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FILED
CHARLOTTE, NC
SEP 26 2013
US District Court
Western District of NC

**ORDER ON
SWISHER HYGIENE, INC.'S MOTION TO CONSOLIDATE AND STAY**

Before the Court is Swisher Hygiene, Inc.'s MOTION TO CONSOLIDATE AND STAY.

The Court, having reviewed the motion, the corresponding briefs, and having considered the arguments of counsel for all parties, concludes that the motion should be **GRANTED**.

IT IS THEREFORE ORDERED that the Borthwick Action is consolidated with the actions pending in In re Swisher Hygiene, Inc. Securities and Derivative Litigation, MDL Docket No. 3:12-md-2384-GCM (the "Swisher MDL"), and that the Borthwick Action is stayed until final adjudication of the class claims in the Swisher MDL.

This 25th day of Sept, 2013.

Graham C. Muller
SB US Dist Judge