

EXHIBIT “C”

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF FLORIDA
Miami Division

Case Number: 03-61063-CIV-MARTINEZ-BANDSTRA

RICHARD FRESCO, *et al.*,
Plaintiffs,

vs.

AUTO DATA DIRECT, INC., *et al.*,
Defendants.

_____/

**OMNIBUS ORDER RESOLVING VARIOUS PENDING MOTIONS RELATED TO THE
PROPOSED SECOND AMENDED COMPLAINT AND THE PENDING MOTION TO
SEVER**

THIS CAUSE came before the Court upon various pending motions related to the status of the proposed Second Amended Complaint and by the motion of Plaintiffs and Settling Defendants to Sever Acxiom Corporation and R. L Polk & Co. (**D.E. No. 454**). This Court held an hour-long status conference that was attended by representatives of all the parties as well as the proposed limited Texas intervenors.¹ This Court has also reviewed R. L. Polk & Co. and Acxiom Corporation's Response to Plaintiffs and Settling Defendants' Motion to Sever, and reviewed the Stipulated Motion for Entry of an Order Recognizing that Plaintiffs' Second Amended Class Action Complaint was Filed Properly. The Court has been advised that the parties consent to this Order, with the exception that Acxiom Corporation and R. L. Polk & Co. take no position as to Paragraph 4. Accordingly, it is hereby:

¹ The pending Motion for Limited Intervention (**D.E. No. 415**) shall be resolved in a separate order.

ORDERED and **ADJUDGED** that

1. The Motion to Sever Acxiom Corporation and R. L. Polk & Co. (**D.E. Nos. 454 and 455**) are **GRANTED**.

2. The Clerk of this Court is **DIRECTED** to create a new case for this severed action shall be styled *Fresco, et al. v. Acxiom Corporation and R. L. Polk & Co.*, and the Clerk shall assign a new case number to the severed portions of this case, and to identify it as a similar or related action pursuant to Local Rule 3.8 and assign it to this Court.

3. The First Amended Complaint (**D.E. No. 45**) shall continue to be the operative Class Action Complaint as to Acxiom Corporation and R. L. Polk & Co.

4. The Stipulated Motion for Entry of an Order Recognizing that Plaintiffs' Second Amended Class Action Complaint Was Filed Properly as to the Settling Defendants (**D.E. No. 422**) is **GRANTED** and deemed filed as of December 20, 2006 and will continue to proceed as *Fresco, et al. v. Automotive Directions, et al.*, Case No. 03-61063-CIV-MARTINEZ.

5. Acxiom Corporation and R. L. Polk & Co. will remain on the service list for all pleadings in the *Fresco et al. v. Automotive Directions, et al.* action.

6. Nothing in this Order will prejudice the rights of Acxiom Corporation and/or R. L. Polk & Company to move to be added to the amended case proceeding as *Fresco, et al. v. Automotive Directions, et al.*


7. Defendant R. L. Polk & Co.'s Motion to Strike Plaintiffs' Second Amended Class Action Complaint (**D.E. No. 414**) is **DENIED as moot**.

8. Plaintiffs' Motion for Leave to File the Second Amended Complaint as to Acxiom

Corporation and R. L. Polk & Co. (D.E. Nos. 426, 427) is **DENIED without prejudice**.

Plaintiffs have leave to refile that motion as to Acxiom Corporation and R. L. Polk & Co. once a new case has been opened.

DONE AND ORDERED in Chambers at Miami, Florida, May 11, 2007.



JOSE E. MARTINEZ
UNITED STATES DISTRICT JUDGE

Copies provided to:
Magistrate Judge Bandstra
All Counsel of Record