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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

PIRELLI ARMSTRONG TIRE  
CORPORATION RETIREE MEDICAL  
BENEFITS TRUST, Derivatively on Behalf  
of COSTCO WHOLESALE  
CORPORATION,

Plaintiff,

v.

JAMES D. SINEGAL, JEFFREY H.  
BROTMAN, RICHARD A. GALANTI,  
RICHARD D. DICERCHIO, FRANZ E.  
LAZARUS, W. CRAIG JELINEK, PAUL G.  
MOULTON, DAVID S. PETTERSON,  
JOSEPH P. PORTERA, THOMAS K.  
WALKER, DENNIS R. ZOOK, BENJAMIN  
S. CARSON, SR., SUSAN L. DECKER,  
DANIEL J. EVANS, WILLIAM H. GATES,  
SR., HAMILTON E. JAMES, RICHARD M.  
LIBENSON, JOHN W. MEISENBACH,  
CHARLES T. MUNGER, and JILL S.  
RUCKELSHAUS,

Defendants,

and

COSTCO WHOLESALE CORPORATION,  
a Washington corporation,

Nominal Defendant.

C08-1450Z

ORDER

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2 DANIEL BUCKFIRE Derivatively on Behalf  
3 of Nominal Defendant, COSTCO  
4 WHOLESALE CORPORATION,

5  
6 Plaintiff,

7 v.

8 JAMES D. SENEGAL, JEFFREY H.  
9 BROTMAN, RICHARD A. GALANTI,  
10 RICHARD D. DICERCHIO, DENNIS R.  
11 ZOOK, THOMAS K. WALKER, JOSEPH P.  
12 PORTERA, PAUL G. MOULTON, FRANZ  
13 E. LAZARUS, DAVID S. PETTERSON, W.  
14 CRAIG JELINEK, RICHARD OLIN, JOHN  
15 W. MEISENBACH, HAMILTON E.  
16 JAMES, RICARD M. LIBENSON, JILL S.  
17 RUCKELSHAUS, BENJAMIN S. CARSON,  
18 SR., CHARLES T. MUNGER, DAVID B.  
19 LOGE and EDWARD B. MARON,

20 Defendants.

C09-893Z

21  
22 THIS MATTER comes before the Court on the parties' stipulation and proposed  
23 order, docket no. 39. The Court treats the parties' stipulation as a motion to consolidate the  
24 two related actions pursuant to Federal Rule of Civil Procedure 42(a), and GRANTS the  
25 motion, as outlined herein.

26 The Court ORDERS that Civil Action No. 2:09-cv-00893-TSZ be CONSOLIDATED  
into Civil Action No. 2:08-cv-01450-TSZ for all purposes, including pre-trial proceedings  
and trial, before this Court. The parties are directed to file all future pleadings only under  
Civil Action No. 2:08-cv-01450-TSZ. Civil Action No. 2:09-cv-00893-TSZ shall be closed.

The Court DECLINES to set up a master docket for the consolidated action and  
DECLINES to order that any as-yet unidentified subsequent actions be consolidated into this  
action.

Pursuant to the stipulation of the parties, the Court ORDERS that Coughlin Stoia  
Geller Rudman & Robbins LLP shall serve as Lead Counsel for Plaintiffs. Lead Counsel

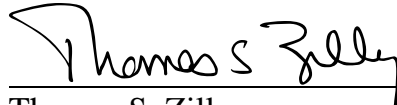
1 shall have authority to speak for all Plaintiffs in the consolidated action with respect to the  
2 following matters: (a) convening meetings of counsel; (b) initiation, response, scheduling,  
3 briefing and argument of all motions; (c) the scope, order and conduct of all discovery  
4 proceedings; (d) the retention of experts; (e) designation of which attorneys may appear at  
5 hearings and conferences with the Court; (f) any other pre-trial procedure; (g) the conduct of  
6 trial; (h) the timing and substance of any settlement negotiations with Defendants; and (i)  
7 other matters concerning the prosecution or resolution of the consolidated action. Lead  
8 Counsel shall make all work assignments in such manner as to facilitate the orderly and  
9 efficient prosecution of this litigation and to avoid duplicative or unproductive effort. Lead  
10 Counsel shall have authority to communicate with Defendants' counsel and the Court on  
11 behalf of all Plaintiffs. Defendants' counsel may rely on all agreements made with Lead  
12 Counsel, and such agreements shall be binding on the other plaintiffs' counsel and their  
13 respective clients. Lead Counsel shall be responsible for coordinating all activities and  
14 appearances on behalf of Plaintiffs and for the dissemination of notices and orders of the  
15 Court. No motion, request for discovery, or other pre-trial or trial proceedings shall be  
16 initiated or filed by any Plaintiffs except through Lead Counsel.

17 Pursuant to the stipulation of the parties, the Court ORDERS that Plaintiffs shall file a  
18 consolidated complaint by Friday, September 25, 2009. The consolidated complaint shall be  
19 deemed the operative complaint, superceding all complaints filed in either of the actions  
20 consolidated hereunder. Defendants shall have up to 45 days after the filing of the  
21 consolidated complaint to move, answer or otherwise respond to the consolidated complaint.  
22 Plaintiffs shall file their opposition to any motion(s) filed by any Defendant within 30 days  
23 after the filing of such motion(s). Defendants shall file any replies to Plaintiffs' opposition  
24 within 21 days after Plaintiffs' filing of the opposition. Accordingly, any motion(s)  
25 responding to the consolidated complaint filed by any Defendant shall be noted for 51 days  
26 after the filing of such motion(s).

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IT IS SO ORDERED.

DATED this 12th day of August, 2009.

  
Thomas S. Zilly  
United States District Judge