

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

SOUTHERN CHAUTAUQUA)	
FEDERAL CREDIT UNION,)	
individually and on behalf of all others)	
similarly situated,)	
)	Case No. 1:14-cv-3020-AT
Plaintiff,)	
)	
v.)	
)	
THE HOME DEPOT, INC.,)	
)	
Defendant.)	

**UNOPPOSED MOTION TO EXTEND TIME TO RESPOND TO
COMPLAINT AND FOR L.R. 23.1(C)(2) CONFERENCE**

COMES NOW Defendant Home Depot U.S.A., Inc.¹, in accordance with Federal Rule of Civil Procedure 6(b)(1)(A) and paragraph III(A) of the Court’s Guidelines to Parties and Counsel, and respectfully moves the Court to extend 1) the deadline for Defendant to answer or otherwise respond to Plaintiff’s Class

¹ Defendant contends that Plaintiff’s Class Action Complaint improperly names The Home Depot, Inc. as a defendant. Defendant further contends that The Home Depot, Inc. is not a retailer and therefore engaged in no transactions with Plaintiffs. Rather, Defendant contends that The Home Depot, Inc. is the parent company of Home Depot U.S.A., Inc., which is a home improvement retailer. Plaintiff has not independently verified this at present.

Action Complaint (the “Complaint”) and 2) the deadline for the parties’ L.R. 23.1(C)(2) conference through and including December 15, 2014.

This case is one of twenty-one (21) putative class actions that have been filed in recent weeks in connection with the Home Depot security breach.² The Complaint in this action was filed on September 19, 2014, and served on Defendant on September 23, 2014, requiring a response to be filed on or before October 14, 2014.

On September 15, 2014, prior to the filing of this Complaint, a Motion for Consolidation and Transfer Under 28 U.S.C. §1407 was filed with the Judicial Panel on Multidistrict Litigation (“JPML”), seeking the transfer and consolidation of all of the federal actions instituted against Defendant that relate to the criminal intrusion into Home Depot data systems. *In re The Home Depot, Inc., Customer Data Security Breach Litigation*, MDL Docket No. 2583. That motion, filed by plaintiffs in the first-filed consumer class action lawsuit, styled *Solak v. the Home Depot, Inc.*, United States District Court for the Northern District of Georgia, Atlanta Division, Case No. 1:14-cv-02856-WSD, was amended on September 19,

² A chart of cases that have already been filed in federal court relating to the alleged Home Depot security breach is attached hereto as **Exhibit A**.

2014.³ The *Solak* plaintiffs filed a second Notice of Related Actions⁴ on September 26, 2014 in which the *Southern Chautauqua Federal Credit Union* case was identified as a “recently filed related action[.]” that should be consolidated into multidistrict litigation (an “MDL”). Plaintiff’s and Defendant’s Responses to the Amended Motion must be filed with the JPML on or before October 10, 2014.

In addition to the October 10, 2014 deadline in the JPML and the October 14, 2014 deadline in this case, responsive pleadings are due in putative class actions filed against Defendant throughout the country where an extension has not yet been obtained. With new cases being filed weekly against Defendant, the extension is requested, particularly given the strong possibility that this matter will be consolidated into an MDL.

Defendant is working expeditiously to investigate Plaintiff’s allegations and obtain the necessary information to enable it to file a response to this Complaint and the 20 other complaints filed against it. Defendant is in the process of evaluating the various complaints and deadlines and, if necessary, may seek guidance from this Court concerning the efficient scheduling and management of the cases before this Court. At this time, Defendant has requested and Plaintiff

³ A copy of this Amended Motion is attached hereto as **Exhibit B**.

⁴ A copy of this Notice of Related Actions is attached hereto as **Exhibit C**.

has agreed to an extension of time for Defendant to answer or otherwise respond to the Complaint and for the parties to conduct the L.R. 23.1(C)(2) conference through and including December 15, 2014. Defendant respectfully submits that the requested extension will not prejudice either party or unduly delay this proceeding.

The December 15, 2014 deadline will benefit this Court and the parties, promote efficiency, and conserve judicial resources. Defendant believes that the JPML's hearing on the Amended Motion may take place on or before January 29, 2015, and may occur as early as December 4, 2014. The requested extension will provide the Parties and the Court the opportunity for additional information relevant to the management of this case, including the responses to the motion to consolidate and transfer as well as further instruction from the JPML on scheduling and the formation of an MDL. The parties recognize that the MDL process may impact future deadlines in this action, including the time within which to answer or otherwise respond to this Complaint and the other complaints filed against Defendant, and, therefore, have agreed to the requested extension.⁵ Defendant

⁵ In the only other financial institution class action case in which Defendant has been served to date, the parties agreed to and the court today granted an identical extension for Defendant to answer or otherwise respond to the complaint in that matter through and including December 15, 2014. *First NBC Bank v. Home Depot, Inc.*, No. 2:14cv2182, Dkt. 6 (E.D. La. Oct. 6, 2014).

respectfully requests that this Court grant this unopposed motion and enter the proposed order, attached hereto as **Exhibit D**.

Respectfully submitted this 6th day of October, 2014.

By: */s/ Cari K. Dawson*

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CERTIFICATE OF COMPLIANCE

I hereby certify that this **UNOPPOSED MOTION TO EXTEND TIME TO RESPOND TO COMPLAINT AND FOR L.R. 23.1(C)(2) CONFERENCE** was prepared in Times New Roman 14 point font, double-spaced, with a top margin of not less of 1.5 inches and a left margin of not less than 1 inch.

Respectfully submitted, this 6th day of October, 2014.

By: */s/ Cari K. Dawson*

CARI K. DAWSON

Georgia Bar Number 213490

CERTIFICATE OF SERVICE

I hereby certify that on this day I electronically filed the within and foregoing **UNOPPOSED MOTION TO EXTEND TIME TO RESPOND TO COMPLAINT AND FOR L.R. 23.1(C)(2) CONFERENCE** with the Clerk of Court using the CM/ECF system and additionally served counsel for Plaintiffs by depositing copy of same in the United States Mail in an envelope with adequate postage affixed thereon, properly addressed as follows:

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