UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

J.W. a minor, by and through her guardian, ANGELA JOHNSON, individually and on behalf of all others similarly situated, Plaintiffs, v. LIVANOVA USA, INC., Defendant.	Case No. 4:24-cv-02250 Honorable Alfred H. Bennett
CRYSTAL SCHULTZ, individually and on behalf of all others similarly situated, Plaintiff, v. LIVANOVA USA, INC., Defendant.	Case No.: 4:24-cv-02276 Honorable Alfred H. Bennett
MICHELE EUSEBE, individually and on behalf of all others similarly situated, Plaintiff, v. LIVANOVA USA, INC., Defendant.	Case No.: 4:24-cv-02302 Honorable Andrew S. Hanen
JUSTIN MEDINA, individually and on behalf of all others similarly situated, Plaintiff, v. LIVANOVA USA, INC., Defendant.	Case No.: 4:24-cv-02357 Honorable Judge Keith P. Ellison

ARTHUR PODROYKIN, individually and on behalf of all others similarly situated, Plaintiffs, v. LIVANOVA USA, INC., Defendant.	Case No. 4:24-cv-02482 Honorable Lee H. Rosenthal
KATHERINE CHAUDHRY, individually and on behalf of all others similarly situated, Plaintiffs, v. LIVANOVA USA, INC., Defendant.	Case No. 4:24-cv-02506 Honorable Lee H. Rosenthal

ORDER GRANTING PLAINTIFFS'
AMENDED MOTION TO CONSOLIDATE ACTIONS, AND SET A SCHEDULE

This matter is before the Court on the Motion of Plaintiffs in the above captioned actions to consolidate the actions and set scheduling deadlines and permit the filing of a single consolidated complaint.

Having reviewed the Motion, the Memorandum in Support, and the Complaints in the above-captioned actions and having found that the cases involve some of the same issues of fact and law, grow out of the same alleged data breach involving Defendant LivaNova USA, Inc. have many of the same claims, and have proposed class definitions that will encompass the same persons, this Court finds that the cases have sufficient commonality of issues and parties to warrant consolidating the cases. This Court further finds that the benefits of consolidation are not outweighed by any risk of prejudice or jury confusion. The effect of such consolidation will be judicial economy and preserving the Parties' resources, as well as avoiding disparate rulings in

separate actions.

Accordingly, because this Court finds that the Related Actions have sufficient commonality of law and fact and does not increase the risk of an unfair outcome, and for good cause shown, the Motions are **GRANTED**. As such, the Court ORDERS the following:

I. Consolidation of the Related Actions

The above-captioned actions shall be **CONSOLIDATED** for all purposes into the *J.W.* Action, which is the lowest numbered case. All future pleadings, motions, briefs, and other papers shall be filed in the *J.W.* action, No. 4:24-cv-02250 which shall hereinafter be a Consolidated Action. The Clerk is DIRECTED to administratively close the *Schultz, Eusebe, Medina, Podroykin and Chaudhry* actions, to transfer all documents already docketed in those actions into the Consolidated Action, and the Court further orders that:

1. Each new case that arises out of the subject matter of the Consolidated Action which is filed in this Court or transferred to this Court, shall be consolidated with the Consolidated Action and this Order shall apply thereto.

2. The parties shall file a Notice of Related Action whenever a future related case, that should be consolidated into this Consolidated Action is filed in, transferred to, or removed to this District. If the Court determines the case is related and should be consolidated, the Clerk of Court SHALL:

   a. Place a copy of this Order in the separate file for such action;

   b. Serve on Plaintiffs' counsel in the new case a copy of this Order;

   c. Direct that this Order be served upon Defendant in the new case; and

   d. Make an appropriate entry in the Master Docket.

3. When a subsequent Related Action, as described in Paragraphs 1 and 2 is consolidated into the Consolidated Action, the Clerk of Court is DIRECTED to administratively close that action.

The Clerk of the Court is FURTHER DIRECTED to transfer all documents already docketed in that action into the Consolidated Action.

4. Nothing in the forgoing shall be construed as a waiver of Defendant's right to object to consolidation of any subsequently filed or transferred related action.

II. Setting of a Schedule

5. Plaintiffs' Consolidated Class Action Complaint shall be filed within 30 days after appointment of interim class counsel. Defendant need not respond to the pending complaints filed in the Related Actions.

6. Defendant shall file its response to the Consolidated Class Action Complaint within 60 days of the filing of the Consolidated Class Action Complaint. If the response is a motion to dismiss, Plaintiffs shall have 30 days to file a response to the motion to dismiss, and Defendant shall have 30 days to file its reply in support of any motion to dismiss the Consolidated Class Action Complaint.

It is so **ORDERED**.

AUG 20 2024

Date

HONORABLE ALFRED H. BENNETT
UNITED STATES DISTRICT JUDGE