

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**IN RE: KABA SIMPLEX LOCKS
MARKETING AND SALES
PRACTICES LITIGATION**

This Document Relates To:
All Actions

MDL No. 2220

Judge Donald C. Nugent

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**PRETRIAL ORDER NUMBER 1 GRANTING UNOPPOSED MOTION TO
APPOINT PLAINTIFFS' LIAISON COUNSEL, CO-LEAD COUNSEL
AND MEMBERS OF THE PLAINTIFFS' STEERING COMMITTEE**

Pursuant to the Transfer Order of the Judicial Panel On Multidistrict Litigation ("JPML") in MDL No. 2220 the JPML has transferred the actions listed on Schedule A of the JPML Transfer Order to the Northern District of Ohio, Eastern Division, pursuant to 28 U.S.C. §1407, for coordinated or consolidated pretrial proceedings before the Honorable Donald C. Nugent.

Plaintiff Counsel John R. Climaco, Richard J. Arsenault and Hunter J. Shkolnik, following consultation with the lead counsel in each case transferred to this Court, have filed an unopposed Motion to Appoint Plaintiffs' Liaison Counsel, Co-Lead Counsel and Members of the Plaintiffs' Steering Committee.

This Order shall govern the pre-trial proceedings of these consolidated actions and trial of those actions that are not remanded to their originating jurisdictions for trial. This Order shall further govern all subsequent related actions, which are added-on, transferred or otherwise consolidated as part of this consolidated proceeding.

The Court hereby **GRANTS** the unopposed Motion to Appoint Plaintiffs' Liaison

Counsel, Co-Lead Counsel and Members of the Plaintiffs' Steering Committee.

I. ORGANIZATION OF PLAINTIFFS' COUNSEL

The organizational structure of Plaintiffs' counsel established by this Order shall bind Plaintiffs' counsel in this MDL proceeding, including any actions subsequently governed by this Order.

The Court appoints the following individuals to act on behalf of Plaintiffs in this MDL proceeding, including any cases and Plaintiffs subsequently governed by this Order, with the responsibilities hereinafter prescribed:

A. John R. Climaco of Climaco, Wilcox, Peca, Tarantino & Garofoli, Co., LPA as Plaintiffs' Liaison Counsel;

B. John R. Climaco of Climaco, Wilcox, Peca, Tarantino & Garofoli Co., LPA; Richard J. Arsenault of Neblett, Beard & Arsenault and Hunter J. Shkolnik of Rheingold, Valet, Rheingold, Shkolnik & McCartney LLP as Plaintiffs' Co-Lead Counsel.

C. Simcha D. Schonfeld of Koss & Schonfeld, LLP; Solomon Klein of Klein & Solomon, LLP; Mark Schlachet; Mark J. Geragos of Geragos & Geragos; Frank E. Piscitelli, Jr of The Piscitelli Law Firm; James L. Deese; D. Scott Kalish; Jerrold S. Parker of Parker, Waichman & Alonso, LLP; and Daniel Becnel of Daniel Becnel Law Office as members of the Plaintiffs' Steering Committee.

II. RESPONSIBILITIES OF PLAINTIFFS' COUNSEL

Co-Lead Counsel shall have day-to-day responsibility for the conduct of the consolidated litigation, shall determine how to prosecute the case, and shall initiate,

coordinate and supervise the efforts of Plaintiffs' counsel in the consolidated action in the areas of discovery, briefing, trial and settlement.

Co-Lead Counsel, with the assistance of the Plaintiffs' Steering Committee, shall designate responsibilities for specific tasks to Plaintiffs' counsel in the consolidated cases in a manner to assure that pretrial preparation is conducted effectively, efficiently and economically; shall assist in maintaining communication among counsel; and shall monitor the activities of Plaintiffs' counsel to assure that schedules are met and unnecessary expenditures of time and money are avoided.

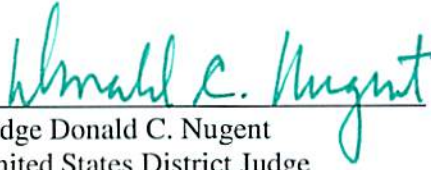
Plaintiffs' Liaison Counsel shall maintain the records and the official service list of all Plaintiffs and Plaintiffs' counsel in the Consolidated Actions, including their addresses. Co-Lead Counsel and the Plaintiffs' Steering Committee shall perform whatever additional functions that may be assigned to them by the Court. Agreements reached between Defendant and Co-Lead Counsel shall be binding on all Plaintiffs and their counsel. No discovery shall be served, and no motion shall be filed, and no settlement shall be negotiated or agreed upon, by any Plaintiff's counsel without the consent of Co-Lead Counsel, unless leave of Court is obtained.

III. APPLICATION OF THIS ORDER TO SUBSEQUENT CASES

This Pretrial Order No. 1 shall apply to each related case subsequently added-on or transferred to this consolidated proceeding. When an action is added-on as part of these proceedings, plaintiffs' Co-Lead Counsel shall serve a file-endorsed copy of Pretrial Order No. 1 to the attorneys for the plaintiff(s) in the add-on case, and direct that Pretrial Order No. 1 be served upon any new defendant(s) in the add-on case, or their counsel. A new party objecting to the application of any provision of this Order must file

a request for relief from this Order within ten (10) days of service of this Order upon that party.

Dated: ~~February~~ ^{MARCH} 8, 2011



Judge Donald C. Nugent
United States District Judge