

STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

BUNCOMBE COUNTY

ROBERT WOODSMALL,
individually and on behalf of all
others similarly situated,
Plaintiff,

25CV000809-100

v.

ASHEVILLE EYE ASSOCIATES,
PLLC,
Defendant.

MIMI REYNOLDS, individually and
on behalf of all others similarly
situated,
Plaintiff,

25CV000847-100

v.

ASHEVILLE EYE ASSOCIATES,
PLLC,
Defendant.

DENA BRITO, individually and on
behalf of all others similarly situated,
Plaintiff,

25CV000859-100

v.

ASHEVILLE EYE ASSOCIATES,
PLLC,
Defendant.

ROBERT RICCHETTI, individually
and on behalf of all others similarly
situated,
Plaintiff,

25CV000863-100

v.

ASHEVILLE EYE ASSOCIATES,
PLLC,
Defendant.

CHRISTOPHER MILLER,
individually and on behalf of all
others similarly situated,

Plaintiff,

v.

ASHEVILLE EYE ASSOCIATES,
PLLC,

Defendant.

25CV000902-100

**ORDER ON PLAINTIFFS' UNOPPOSED MOTION TO CONSOLIDATE AND
APPOINT INTERIM CLASS COUNSEL**

THIS MATTER is before the Court on Plaintiffs Robert Woodsmall, Mimi Reynolds, Dena Brito, Robert Ricchetti, and Christopher Miller's (collectively, "Plaintiffs") Unopposed Motion to Consolidate and Appoint Interim Class Counsel (the "Motion"). Having considered the Motion and all appropriate matters of record, the Court concludes that the Motion should be **GRANTED** and **ORDERS** as follows:

1. The related cases pending before this Court, *Woodsmall v. Asheville Eye Associates, PLLC*, Case No. 25CV000809-100, *Reynolds v. Asheville Eye Associates, PLLC*, Case No. 25CV000847-100, *Brito v. Asheville Eye Associates, PLLC*, Case No. 25CV000859-100, *Ricchetti v. Asheville Eye Associates, PLLC*, Case No. 25CV000863-100, and *Miller v. Asheville Eye Associates, PLLC*, Case No. 25CV000902-100 (collectively and hereafter, the "Consolidated Action"), as well as any subsequently filed or transferred related actions, for all purposes, including pretrial proceedings and trial, are hereby consolidated pursuant to North Carolina Rule of Civil Procedure 42(a) given the related cases' factual and legal overlap.

2. The *Woodsmall* action is designated the lead case. All papers filed in the Consolidated Action shall be filed under 25CV000809-100, the number assigned to the first-filed pending case and shall bear the following caption: “*In re Asheville Eye Associates Data Incident Litig.*”

3. Any action filed in, transferred to, or otherwise moved to this Court against the same or similar Defendant and that arises out of the same or similar operative facts as the Consolidated Action, shall be consolidated with the Consolidated Action for pre-trial and trial purposes and is subject to this Order.

4. Pursuant to North Carolina Rule of Civil Procedure 23, the Court appoints Gary M. Klinger of Milberg Coleman Bryson Phillips Grossman, PLLC as Interim Lead Class Counsel.

5. Interim Lead Class Counsel shall have authority to speak for Plaintiffs and shall be the contact between Plaintiffs’ counsel and Defendant Asheville Eye Associates, PLLC’s (“Defendant”) counsel in all matters regarding pre-trial procedure, trial, and settlement negotiations, and shall make all work assignments in such a manner as to facilitate the orderly and efficient prosecution of this litigation and to avoid duplicative or unproductive effort.

6. Interim Lead Class Counsel shall be responsible for coordinating all activities and appearances on behalf of Plaintiffs and for the dissemination of notices and orders of this Court.

7. No motion, discovery request, or other pretrial proceedings shall be initiated or filed by any Plaintiff without the approval of Interim Lead Class Counsel,

so as to prevent duplicative pleadings or discovery. No settlement negotiations shall be conducted without the approval of Interim Lead Class Counsel. Defendant's counsel may rely on all agreements made with Interim Lead Class Counsel, or other duly authorized representative of Interim Lead Class Counsel, and such agreements shall be binding on all Plaintiffs.

8. All deadlines in the Consolidated Action are hereby **STAYED** for a period of **ninety (90) days** from the date of this Order, and the parties are **DIRECTED** to conduct a mediated settlement conference within that time period.

9. The parties are further **DIRECTED** to jointly file with the Court a status report no later than **8 August 2025**.

SO ORDERED, this the 9th day of May 2025.

/s/ Mark A. Davis

Mark A. Davis

Special Superior Court Judge for
Complex Business Cases