UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

TIMOTHY M. KELLEY and JAMIE A. FINE, on behalf of themselves and all others similarly situated,

Plaintiffs,

VS.

FIDELITY MANAGEMENT AND TRUST COMPANY, FIDELITY MANAGEMENT AND RESEARCH COMPANY, FIDELITY INVESTMENTS, and JOHN DOES 1-25,

Defendants.

PATRICIA BOUDREAU, ALEX GRAY, and BOBBY NEGRON, on behalf of themselves and all others similarly situated,

Plaintiffs,

VS.

FIDELITY MANAGEMENT AND TRUST COMPANY, FIDELITY INVESTMENTS INSTITUTIONAL OPERATIONS COMPANY, INC., and FIDELITY MANAGEMENT AND RESEARCH COMPANY,

Defendants.

COLUMBIA AIR SERVICES, INC., individually and on behalf of all others similarly situated,

Plaintiff,

vs.

FIDELITY MANAGEMENT TRUST COMPANY, FIDELITY INVESTMENTS INSTITUTION OPERATIONS COMPANY, INC., and FIDELITY MANAGEMENT AND RESEARCH COMPANY,

Defendants.

CIVIL ACTION NO. 1:13-cv-10222 (DJC)

CIVIL ACTION NO. 1:13-cv-10524 (DJC)

CIVIL ACTION NO. 1:13-cv-10570 (DJC)

KORINE BROWN, On Behalf of Herself and All Others Similarly Situated,

Plaintiff,

v.

CIVIL ACTION NO. 1:13-cv-11011 (DJC)

FIDELITY MANAGEMENT AND RESEARCH COMPANY and FIDELITY INVESTMENTS INSTITUTIONAL OPERATIONS COMPANY, INC.,

Defendants.

-[PROPOSED] ORDER CONSOLIDATING CASES AND APPOINTING INTERIM CO--LEAD COUNSEL

Based on its consideration of the motion by Plaintiffs in the above captioned cases for consolidation and appointment of interim co-lead counsel, and the record in the above-captioned cases, the Court hereby ORDERS as follows:

- 1. Plaintiffs' unopposed motion is GRANTED. Accordingly, the following related actions are hereby consolidated for all purposes, pursuant to FED. R. CIV. P. 42(a):
 - Kelley v. Fidelity Management and Trust Co., Inc. et al., No. 1:13-10222-DJC (D. Mass).
 - Boudreau v. Fidelity Management and Trust Co., Inc. et al., No. 1:13-cv-10524-DJC (D. Mass.); and
 - Columbia Air Services, Inc. v. Fidelity Management Trust Co., Inc. et al., No. 1:13-cv-10570-DJC (D. Mass.)
 - Brown v. Fidelity Management and Research Co., et al., No. 1:13-cv-11011-DJC (D. Mass.).

Based on the Court's review of the complaints on file in the above-captioned actions, the complaints appear to raise allegations on behalf of the same or overlapping purported classes that arise out of the Defendants' practices relating to the distribution of earnings on "float."

Consolidating these actions will avoid unnecessary waste of judicial resources and additional cost and delay to the parties.

- 2. The caption of the consolidated action shall be "In re: Fidelity ERISA Float Litigation" and the file of the consolidated action shall be maintained under Master File No. 1:13-10222-DJC (the "Consolidated Action"). Any other actions now pending or later filed in or transferred to this district which arise out of or are related to the same facts as alleged in the above-identified cases shall, until further order of this Court, be consolidated for all purposes pursuant to FED. R. CIV. P. 42(a) into the Consolidated Action, if and when they are brought to the Court's attention.
- 3. All pleadings filed in the Consolidated Action, or in any separate action included herein, shall bear the following caption:

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS

)	
IN RE FIDELITY ERISA FLOAT LITIGATION)	C. A. NO.:13-10222-DJC
)	

- 4. Case numbers 13-10524, 13-10570 and 13-cv-11011 shall be administratively closed without prejudice to any party. Such closing shall not constitute a dismissal under Rule 41.
- 5. Defendants need not answer or otherwise respond to the individual complaints in the actions consolidated by this Order. Plaintiffs shall have until November 15, 2013, to file a March 7, 2014 Consolidated Amended Complaint, and Defendants shall have until January 31, 2014, to answer or otherwise respond to the Consolidated Amended Complaint.

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6. Defendants shall effect service of papers on Plaintiffs by serving copies on Co-

Lead Counsel by overnight delivery service, e-mail, facsimile, hand delivery, or through the

Court's CM/ECF filing system. Plaintiffs shall effect service of papers on Defendants, or any

subsequently added defendant, by serving copies on its counsel by overnight delivery service, e-

mail, facsimile, hand delivery, or through the Court's CM/ECF filing system.

7. Plaintiffs have moved this Court pursuant to Fed. R. Civ. P. 23(g)(3) for the

appointment of Interim Co-Lead Counsel. Having considered their Motion, the Court hereby

appoints Bailey & Glasser LLP, Schneider Wallace Cottrell Konecky LLP, Shapiro Haber &

Urmy LLP, Robinson & Cole and Izard Nobel LLP as Interim Co-Lead Counsel.

8. No motion, discovery request, or other pretrial proceeding, or any other action to

advance or terminate this proceeding shall be initiated or filed by any plaintiffs without the

approval of Interim Co-Lead Counsel.

IT IS SO ORDERED.

Dated this 27th day of December, 2013.

Honorable Denise J. Casper

UNITED STATES DISTRICT JUDGE