

KRINA DICELLO, individually and on behalf
of others similarly situated,

Plaintiff,

v.

TRI-CENTURY EYECARE, P.C., d/b/a TRI-
CENTURY EYECARE

Defendant.

CLASS ACTION

CASE NO. 2025-07599

DEMAND FOR JURY TRIAL



Case #: 2025-07179-0006 14124269
Main (Public)
Code: 65 Judge:37
Rcpt: Z2981937 12/23/2025 9:29:01 AM

**AGREED ORDER CONSOLIDATING CASES
AND APPOINTING INTERIM LEAD COUNSEL**

THIS MATTER, having come before the Court by the Plaintiffs in the above-captioned cases by their Unopposed Motion to Consolidate Cases and Appoint Interim Lead Counsel and Steering Committee, and supporting materials, and the Court having read the papers, IT IS HEREBY ORDERED, ADJUDGED, and DECREED that the Motion is GRANTED as set forth below:

1. The Court hereby consolidates *Brooks v. Tri-Century Eyecare, P.C., d/b/a Tri-Century Eyecare*, No. 2025-07179 (the “*Brooks*” Action”), *Affatato v. Tri-Century Eyecare, P.C., d/b/a Tri-Century Eyecare*, No. 2025-07276 (the “*Affatato*” Action”), *Buckman v. Tri-Century Eyecare, P.C., d/b/a Tri-Century Eyecare*, No. 2025-07394 (the “*Buckman*” Action”), *Jones v. Tri-Century Eyecare, P.C.*, No. 2025-07403 (the “*Jones*” Action”), and *DiCello v. Tri-Century Eyecare, P.C., d/b/a Tri-Century Eyecare*, No. 2025-07599 (the “*DiCello*” Action”), (collectively the “Related Actions”), as well as any future related actions that may be filed in this Court, under the docket of the first-filed *Brooks* Action (No. 2025-07179);

2. The Clerk is directed to administratively terminate the *Affatato*, *Buckman*, *Jones* and *DiCello* Actions.

3. All papers filed in the consolidated action shall be filed under Case No. 2025-CV-
~~003681~~ ⁰⁷¹⁷⁹, the number assigned to the first-filed case.

4. Any action subsequently filed in, transferred to, or remanded to this Court that arises out of the same or similar operative facts as the Consolidated Action shall be consolidated with the Consolidated Action for pre-trial purposes. ^{upon filing of a stipulation by the parties.} ~~The parties shall file a Notice of Related Action whenever a case that should be consolidated into this action is filed in, transferred to, or remanded to this Court.~~

~~5. If the Court determines that the case is related, the clerk 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(s) in the new case; and~~
- ~~d. Make appropriate entry in the Master Docket.~~

6. The Court hereby appoints Benjamin F. Johns of Shub Johns & Holbrook LLP and Gary E. Mason of Mason LLP as Interim Co-Lead Counsel to act on behalf of the Plaintiffs and the class members in the Consolidated Action, with the responsibilities set forth below:

- a. Determine and present (in briefs, oral argument, or such other fashion as may be appropriate, personally or by a designee) to the Court and opposing parties the position of the Plaintiffs on all matters arising during pre-certification proceedings;
- b. Coordinate the initiation and conduct of discovery on behalf of Plaintiffs and the putative class consistent with the requirements of the Federal Rules of Civil Procedure;
- c. Convene meetings amongst counsel;

- d. Conduct settlement negotiations on behalf of Plaintiffs and the putative class;
- e. Delegate specific tasks to the Plaintiffs' Counsel in a manner to ensure that pre-certification preparation for Plaintiffs and the putative class is conducted efficiently and effectively;
- f. Negotiate and enter into stipulations with opposing counsel as necessary for the conduct and efficient advancement of the litigation;
- g. Monitor the activities of all counsel to ensure that schedules are being met and unnecessary expenditures of time and funds are avoided;
- h. Perform such other duties as may be incidental to the proper coordination of Plaintiffs' pre-certification activities or authorized by further order of this Court;
- i. Serve as the primary contact for communications between the Court and other Plaintiffs' counsel;
- j. Ensure that all notices, orders, and material communications are properly distributed (to the extent that they are not otherwise served on Plaintiffs' counsel via the Court's electronic filing system);
- k. Communicate with Defendant's counsel as necessary to promote the efficient advancement of this litigation;
- l. Make available to other Plaintiffs' counsel documents produced by Defendant; and
- m. Allocate attorneys' fees.

7. Any Plaintiffs' counsel will perform work in this litigation only at the direction of Interim Co-Lead Counsel. No motion, request for discovery, or other precertification proceedings shall be initiated or filed by any Plaintiff except through Interim Co-Lead Class Counsel and no other Plaintiffs' counsel or firm shall be authorized to file any papers or perform any work in the case without the express authorization of interim co-lead class counsel.

8. Interim Co-Lead Counsel shall have sole authority to communicate with Defendant's counsel—including with respect to settlement and settlement negotiations—and the Court on behalf of any Plaintiff unless that authority is expressly delegated to other counsel. Defendant's counsel may rely on all agreements made with Interim Co-Lead Class Counsel, and such agreements shall be binding on all other Plaintiffs' counsel.

9. This Order shall apply to the above-captioned matters, any subsequently consolidated action, any actions consolidated with the above-captioned matters, and any actions filed in, transferred to, removed to, or otherwise sent to this Court relating to the facts and the data breach underlying this litigation.

10. Interim Co-Lead Counsel must serve a copy of this Order and all future orders promptly by overnight delivery service or expeditious electronic means on counsel for plaintiffs in any related action to the extent that Interim CoLead Counsel are aware or become aware of any such action(s) and on all attorneys for plaintiffs whose cases may subsequently consolidated with the above actions.

11. Plaintiffs will file a consolidated complaint within thirty (30) days of the date of this Order.

12. Defendant will file its response to the consolidated complaint within 45 days of the date on which the consolidated complaint is filed.

13. Defendant is relieved from responding to the complaints initially filed in each of the Related Actions and will only be required to respond to the operative consolidated complaint once filed.

IT IS SO ORDERED.

Date: December 15 / 2025

J