



GRANTED

EFiled: Feb 05 2015 09:53AM EST
Transaction ID 56720932
Case No. Multi Case



IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE

JOSHUA LOKEN, On Behalf of Himself)
and All Others Similarly Situated,)

Plaintiff,)

v.)

C.A. No. 10399-VCL

HORIZON LINES, INC., JEFFREY A.)
BRODSKY, KURT M. CELLAR, JAMES)
LACHANCE, STEVEN L. RUBIN,)
MARTIN TUCHMAN, DAVID N.)
WEINSTEIN, MATSON NAVIGATION)
COMPANY, INC., MATSON, INC., and)
HOGAN ACQUISITION, INC.,)

Defendants.)

J. COLA, INC., Individually and on behalf)
of all others similarly situated)

Plaintiffs,)

v.)

C.A. No. 10412-VCL

HORIZON LINES, INC., JAMES)
LaCHANCE, STEVEN L. RUBIN,)
JEFFREY A. BRODSKY, KURT M.)
CELLAR, DAVID N. WEINSTEIN,)
MARTIN TUCHMAN, HOGAN)
ACQUISITION INC., MATSON)
NAVIGATION COMPANY, INC., and)
MATSON, INC.,)

Defendants.)

FINN KRISTIANSEN, Individually and)
on Behalf of All Others Similarly)
Situated,)

Plaintiff,)

v.)

C.A. No. 10418-VCL

JEFFREY A. BRODSKY, KURT M.)
CELLAR, JAMES LACHANCE,)
STEVEN L. RUBIN, MARTIN)
TUCHMAN, DAVID N. WEINSTEIN,)
HORIZON LINES, INC., MATSON)
INC., MATSON NAVIGATION)
COMPANY, INC., and HOGAN)
ACQUISITION INC.,)

Defendants.)

FREDERICK SCHWARTZ,)
Individually and on Behalf of All Others)
Similarly Situated,)

Plaintiff,)

v.)

C.A. No. 10594-VCL

JEFFREY A. BRODSKY, KURT M.)
CELLAR, JAMES LACHANCE,)
STEVEN L. RUBIN, MARTIN)
TUCHMAN, DAVID N. WEINSTEIN,)
HORIZON LINES, INC., MATSON)
INC., MATSON NAVIGATION)
COMPANY, INC., and HOGAN)
ACQUISITION INC.,)

Defendants.)

**[PROPOSED] ORDER OF CONSOLIDATION AND APPOINTMENT
OF PLAINTIFFS' CO-LEAD COUNSEL AND LIAISON COUNSEL**

It appearing that the above-captioned actions involve the same subject matter, and that the administration of justice would be best served by consolidating the actions,

IT IS HEREBY ORDERED, this _____ day of _____, 2015:

1. The above-captioned actions shall be consolidated for all purposes and are referred to herein as the “Consolidated Action.”

2. Hereafter, papers need only be filed in Civil Action No. 10399-VCL.

3. The consolidated case caption shall be:

IN RE HORIZON LINES, INC.) CONSOLIDATED
STOCKHOLDERS LITIGATION) C.A. No. 10399-VCL

4. The law firms of RIGRODSKY & LONG, P.A., 2 Righter Parkway, Suite 120, Wilmington, DE 19803, MILBERG LLP, One Pennsylvania Plaza, New York, NY 10119, and LEVI & KORSINSKY LLP, 30 Broad Street, 24th Floor, New York, NY 10004 are hereby appointed Plaintiffs’ Co-Lead Counsel

5. The law firm of ROBBINS ARROYO LLP, 600 B Street, Suite 1900, San Diego, CA 92101 shall serve as a member of Plaintiffs’ Executive Committee.

6. The law firm of RIGRODSKY & LONG, P.A., 2 Righter Parkway, Suite 120, Wilmington, DE 19803 shall serve as Plaintiffs’ Liaison Counsel.

7. Defendants take no position on the appointment of Plaintiffs' Co-Lead Counsel, Plaintiffs' Executive Committee, or Plaintiffs' Liaison Counsel.

8. All documents previously filed to date in any of the cases consolidated herein are deemed part of the record in the Consolidated Action. As soon as practicable, plaintiffs will file an amended consolidated complaint. Defendants need not respond to any of the complaints currently pending in the constituent actions.

9. Plaintiffs' Co-Lead Counsel, in consultation with Plaintiffs' Liaison Counsel, shall set policy for plaintiffs for the prosecution of this litigation, ensure that there is no duplication of effort or unnecessary expense, coordinate on behalf of plaintiffs the initiation and conduct of discovery proceedings, provide direction, supervision, and coordination of all activities of plaintiffs' counsel, and have the authority to negotiate a settlement, subject to approval of plaintiffs and the Court. Any agreement reached between counsel for defendants and Plaintiffs' Co-Lead Counsel shall be binding on the other plaintiffs.

10. Plaintiffs' Co-Lead Counsel, in consultation with Plaintiffs' Liaison Counsel, shall assume the following powers and responsibilities:

- a. coordinate and direct the preparation of pleadings;
- b. coordinate and direct the briefing and argument of motions;

- c. coordinate and direct the conduct of discovery and other pretrial proceedings;
- d. coordinate and direct class certification proceedings;
- e. coordinate the selection of counsel to act as the plaintiffs' spokesperson at pretrial conferences;
- f. call meetings of plaintiffs' counsel as they deem necessary and appropriate from time to time;
- g. conduct any and all settlement negotiations with counsel for the defendants;
- h. coordinate and direct the preparation for trial and trial of this matter, and delegate work responsibilities to selected counsel as may be required; and
- i. coordinate and direct any other matters concerning the prosecution or resolution of the Consolidated Action.

11. Plaintiffs' Liaison 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, as well as for communications to and from this Court. No motion, request for discovery, or other pretrial or trial proceedings shall be initiated or filed by any plaintiffs except through Plaintiffs' Liaison Counsel.

12. This Order shall apply to this Consolidated Action and any future-filed actions relating to the subject matter of this case. When a case that properly belongs as part of the Consolidated Action is hereafter filed in the Court, this Court requests the assistance of counsel in calling to the attention of the Court the filing of any case which might properly be consolidated as part of the Consolidated Action, and counsel are to assist in assuring that counsel in subsequent actions receive notice of this Order.

Vice Chancellor Laster

This document constitutes a ruling of the court and should be treated as such.

Court: DE Court of Chancery Civil Action

Judge: Multi-Case

File & Serve

Transaction ID: 56714213

Current Date: Feb 05, 2015

Case Number: Multi-Case

Case Name: Multi-Case

/s/ **Judge Laster, J Travis**