

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION  
(AT CINCINNATI)

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|  |   |                         |
|--|---|-------------------------|
| BRIAN HALFORD, Individually and On Behalf of<br>All Others Similarly Situated, | ) | No. 1:08cv00867         |
|  | ) |                         |
| Plaintiff,   | ) | Hon. Michael R. Barrett |
|  | ) |                         |
| v.   | ) |                         |
|  | ) |                         |
| ATRICURE, INC., DAVID J. DRACHMAN, and<br>JULIE A. PITON,                      | ) |                         |
|  | ) |                         |
| Defendants.  | ) |                         |

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**ORDER**

Having considered the motion of Ron DeHart and Brian Halford for appointment as Lead Plaintiffs and approval of Lead Plaintiffs' selection of Co-Lead Counsel (Doc. 2), the memorandum of law in support thereof, the Declaration of Richard S. Wayne in support of that motion and good cause appearing therefor,

**IT IS HEREBY ORDERED:**

- (1) The Motion (Doc. 2) is granted.
- (2) This Order (the "Order") shall apply to the above-captioned action and to each case that relates to the same subject matter that is subsequently filed in this Court or is transferred to this Court and consolidated with the action.
- (3) An original of this Order shall be filed by the Clerk in the Master File.
- (4) Every pleading in this Action shall have the following caption:

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|                       |   |                         |
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| IN RE ATRICURE, INC.  | ) | No. 1:08cv00867         |
| SECURITIES LITIGATION | ) |                         |
|                       | ) | Hon. Michael R. Barrett |

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(5) Each new case that arises out of the subject matter of this Action which is filed in this Court or transferred to this Court, shall be consolidated with this Action and this Order shall apply thereto, unless a party objects to consolidation, as provided for herein, or any provision of this Order, within ten (10) days after the date upon which a copy of this Order is served on counsel for such party, by filing an application for relief and this Court deems it appropriate to grant such application. Nothing in the foregoing shall be construed as a waiver of Defendants' right to object to consolidation of any subsequently filed or transferred related action.

(6) The Court requests the assistance of counsel in calling attention to the Clerk of this Court the filing or transfer of any case that might properly be consolidated as part of this Action.

(7) When a case that arises out of the same subject matter as this Action is hereinafter filed in this Court or transferred from another Court, the Clerk of this Court shall:

- (a) file a copy of this Order in the separate file for such action;
- (b) mail a copy of this Order to the attorneys for the plaintiff(s) in the newly filed or transferred case and to any new defendant(s) in the newly filed case; and
- (c) make the appropriate entry in the Master Docket for this Action.

(8) Movants Ron DeHart and Brian Halford (collectively, "Movants" are appointed to serve as Lead Plaintiffs in the above-captioned action, pursuant to 15 U.S.C. §78u-4(a)(3)(B).

(9) The law firms Strauss & Troy, Glancy Binkow & Goldberg LLP and Saxena White PA are hereby approved as Co-Lead Counsel for the Class. The Law Offices of Howard B. Smith shall be counsel for plaintiffs. Lead Counsel shall provide general supervision of the activities of plaintiff's counsel and shall have the following responsibilities and duties to perform or delegate as appropriate:

- (a) to brief and argue motions;
- (b) to initiate and conduct discovery, including, without limitation, coordination of discovery with defendants counsel, preparation of written interrogatories, requests for admission and requests for production of documents;
- (c) to direct and coordinate the examination of witnesses in depositions;
- (d) to act as spokesperson at pretrial conferences;
- (e) to call and chair meetings of plaintiffs' counsel as appropriate or necessary from time to time;
- (f) to initiate and conduct any settlement negotiations with counsel for defendants;
- (g) to provide general coordination of the activities of plaintiffs' counsel and to delegate work responsibilities to selected counsel as may be required in such a manner as to lead to the orderly and efficient prosecution of this litigation and to avoid duplication or unproductive effort;
- (h) to consult and employ experts;
- (i) to receive and review periodic time reports of all attorneys on behalf of plaintiffs, to determine if the time is being spent appropriately and for the benefit of plaintiffs and to determine and distribute plaintiffs' attorneys' fees; and
- (j) to perform such other duties as may be expressly authorized by further order of this Court.

/s/ Michael R. Barrett  
UNITED STATES DISTRICT JUDGE