

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE THE HOME DEPOT, INC.
SHAREHOLDER DERIVATIVE
LITIGATION

LEAD CASE
NO. 1:15-CV-2999 TWT

**JOINT MOTION FOR INDICATIVE RULING REGARDING
PRELIMINARY APPROVAL OF SETTLEMENT**

This is a putative shareholder derivative action pursuant to FRCP Rule 23.1 on behalf of nominal defendant The Home Depot, Inc. against certain of its directors and officers. On November 30, 2016, this Court issued an order granting defendants' motion to dismiss and entered judgment for defendants. *See* Docket Nos. 62, 63. On December 28, 2016, plaintiffs filed a notice of appeal, and the case is currently docketed in the 11th Circuit Court of Appeals under the caption *Mary Lou Bennek, et al. v. F. Duane Ackerman, et al.*, No. 16-17742-DD (11th Cir.).

The parties have reached a settlement of the action. The settlement is subject to approval of this Court pursuant to FRCP Rule 23.1, and a motion for preliminary approval of the settlement has been filed concurrently herewith. Accordingly, pursuant to FRCP Rule 62.1, the parties jointly request an indicative ruling from this Court that, upon limited remand from the 11th Circuit, this Court

will grant preliminary approval of the settlement, including an order scheduling a final approval hearing where the Court will consider whether to finally approve the settlement.

The parties respectfully request that this Court enter the proposed Order submitted herewith indicating that it will accept a limited remand from the 11th Circuit Court of Appeals for the purposes described above.

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