

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

**CASE NO. 07-81038-CIV-HURLEY
(Consolidated Case: Lead Action)**

**SHEET METAL WORKERS LOCAL 28
PENSION FUND, individually and on behalf of
all others similarly situated,
plaintiffs**

vs

**OFFICE DEPOT, INC., STEVE ODLAND an
PATRICIA MCCAY,
defendants.**

_____ /

Case NO. 07-81038

**BOND NICHOLS, individually and on behalf of
all others similarly situated,
plaintiffs**

VS

**OFFICE DEPOT, INC., STEVE ODLAND an
PATRICIA MCCAY,
defendants.**

_____ /

Case NO. 07-14348

**ORDER APPOINTING THE NEW MEXICO EDUCATIONAL
RETIREMENT BOARD AS LEAD PLAINTIFF &
APPOINTING CAULEY BOWMAN CARNEY & WILLIAMS PLLC
AS LEAD COUNSEL**

THIS CAUSE is before the court upon various competing motions for appointment as lead plaintiff and corresponding motions for appointment as lead counsel, which matters were previously referred to Magistrate Judge James Hopkins for a report and recommended disposition.

On April 4, 2008, Judge Hopkins issued his report and recommendation upon the motions. [DE#49]. No party has filed any objection to the report. Having reviewed the report and finding

the recommendation of Judge Hopkins to be sound and well reasoned, the court has determined to adopt the recommended disposition and to appoint the New Mexico Educational Retirement Board (ERB) as lead counsel in this consolidated securities class action.

It is accordingly **ORDERED and ADJUDGED**;

1. Magistrate Judge Hopkins Report & Recommendation entered April 4, 2008 [DE# 49] is **APPROVED and ADOPTED** in full.


2. New Mexico ERB's motion for appointment as lead plaintiff [DE# 16] is **GRANTED**, and its companion motion for appointment of its attorneys, Cauley Bowman Carney & Williams PLLC, as lead counsel [DE#16] is **GRANTED**.

3. The Alaska Laborers' Motion for Appointment a Lead Plaintiff [DE# 9] is **DENIED**.

4. The Steel Workers' Motion for Appointment as Lead Plaintiff [DE# 12] is **DENIED**.

5. The Automotive Pension Group's Motion for Appointment as Lead Plaintiff [DE# 7, 18] is **DENIED as MOOT**.

DONE AND ORDERED in Chambers at West Palm Beach, Florida this 1st day of May, 2008.


Daniel T. K. Hurley
United States District Judge

cc. All counsel