

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE: CHOCOLATE	:	MDL DOCKET NO. 1935
CONFECTIONARY ANTITRUST	:	(Civil Action No. 1:08-MDL-1935)
LITIGATION	:	
_____	:	(Judge Conner)
	:	
THIS DOCUMENT APPLIES TO:	:	
	:	
ALL CASES	:	

CASE MANAGEMENT ORDER NO. 6

AND NOW, this 5th day of November, 2008, upon consideration of Case Management Order No. 4 (Doc. 225), and of the submissions of counsel dated October 28 and 31, 2008 (Docs. 499, 505), and the court finding it efficient to allow parties filing similar types of motions to consolidate legal arguments common among them, it is hereby ORDERED that:

1. **VACATUR OF CERTAIN PROVISIONS OF CASE MANAGEMENT ORDER NO. 4.** Paragraph 6.a of Case Management Order No. 4 is VACATED. The remaining provisions of Paragraph 6 thereof are not affected by this order.

2. **APPLICABILITY OF THE LOCAL RULES OF COURT.** The Local Rules of Court shall govern this action except to the extent altered or suspended by order of court. Counsel are advised that “all motions . . . shall contain a certification by counsel for the movant that he or she has sought concurrence in the motion from each party, and that it has been either given or denied.” See L.R. 7.1. The following provisions of Rule 7.8(a) of the Local Rules of Court shall be indefinitely suspended or altered during this litigation:
 - a. The provision requiring submission of copies of unpublished opinions referenced in a brief is suspended if the unpublished opinion is cited in Westlaw or Lexis format. While not required, the court prefers to receive citations in Westlaw format.

- b. The provision requiring citation to both official and unofficial reports is suspended. Citation to the applicable West reporter shall be sufficient for all opinions except those issued by the United States Supreme Court. Citation of Supreme Court opinions need only reference the official United States Reports.
- c. The provision prohibiting incorporating by reference is suspended subject to the following guidelines:
 - i. A brief may incorporate by reference any portion of another submission provided that the material to be integrated thoroughly explicates the legal and factual arguments advanced by the incorporating party.
 - ii. An incorporating party may append additional, related arguments to material incorporated by reference from another submission.
 - iii. The court expects that throughout this matter all counsel will confer in good faith for the purpose of preventing duplication of arguments applicable to multiple parties. Lead counsel for the plaintiff groups (liaison counsel for the individual plaintiffs) are instructed to confer with one another to ensure that, to the extent practicable, legal and factual arguments common to all plaintiff groups are presented in a coordinated manner that minimizes repetitive filings.
- d. All other provisions of Local Rule 7.8(a) shall remain in effect throughout this litigation.

3. **EFFECT OF PARAGRAPH 2 ON THE BRIEFS IN SUPPORT OF THE MOTIONS TO DISMISS.** The briefs in support (Docs. 470, 477) of the motions (Docs. 469, 476) filed pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure shall be DEEMED to satisfy the guidelines for incorporation by reference set forth in Paragraph 2.c hereof.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge