

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

IN RE: READY-MIXED CONCRETE ) Master Docket No.  
ANTITRUST LITIGATION, ) 1:05-cv-00979-SEB-JMS  
)  
\_\_\_\_\_)  
)  
THIS DOCUMENT RELATES TO: )  
ALL ACTIONS )

**ORDER APPOINTING CLASS COUNSEL**

Pursuant to the Court’s Order Addressing Pending Motions [Docket No. 738], dated September 9, 2009, the Court having granted Plaintiffs’ Motion to Certify the Class, the Court must appoint Class Counsel. Plaintiffs request that we appoint Interim Co-Lead Counsel Stephen D. Susman and Irwin B. Levin as Co-Lead Counsel.

Rule 23(g) of the Federal Rules of Civil Procedure provides, in pertinent part:

In appointing class counsel, the court:

- (A) must consider:
  - (i) the work counsel has done in identifying or investigating potential claims in the action;
  - (ii) counsel’s experience in handling class actions, other complex litigation, and the types of claims asserted in the action;
  - (iii) counsel’s knowledge of the applicable law; and
  - (iv) the resources that counsel will commit to representing the class.

Fed. R. Civ. P. 23(g)(1).

Interim Co-Lead Counsel have done a substantial amount of work investigating and identifying potential claims as evidenced by the investigation, discovery, and briefing that they

have already completed in this case. They are members in good standing of their respective state bars. They have extensive backgrounds in prosecuting complex class actions, including antitrust price-fixing cases, and thus have more than adequate knowledge of the applicable law.<sup>1</sup> Interim Co-Lead Counsel have the legal and financial resources necessary to prosecute this action to its conclusion and have demonstrated by their actions so far that they are willing to commit those resources to representing the Class.

Given the breadth and depth of Interim Co-Lead Counsel's experience, and the diligence with which they have prosecuted this action so far, Interim Co-Lead Counsel satisfy Rule 23(g)'s requirements. Therefore, Interim Co-Lead Counsel, Stephen D. Susman and Irwin B. Levin, are hereby appointed as Co-Lead Counsel.

IT IS SO ORDERED.

Date: 09/22/2009



SARAH EVANS BARKER, JUDGE  
United States District Court  
Southern District of Indiana

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<sup>1</sup> Materials documenting counsels' relevant experience were previously submitted to this Court. See, e.g. Memorandum in Support of Motion for Entry of Order (1) Consolidating Related Actions; (2) Setting Certain Pre-trial Procedures; and (3) Appointing Irwin B. Levin as Plaintiffs' Lead Counsel, and Exhibits A, B, and C thereto [Docket No. 21], filed on August 30, 2005.

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