

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

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

**PLAINTIFFS' MOTION TO AMEND
CLASS CERTIFICATION BRIEFING SCHEDULE**

Plaintiffs, by Interim Co-Lead Counsel, respectfully move the Court for a 90-day enlargement of the class certification briefing schedule set forth in the Court's October 31, 2006 Case Management Plan ("CMP") to accommodate delays in the discovery process. In support of this Plaintiffs state as follows:

1. Under the CMP, Plaintiffs are to file their Motion for Class Certification, supporting Brief, and supporting materials on or before March 1, 2006; Defendants are to file their Response and supporting materials on or before June 1, 2006; and Plaintiffs' Reply is due on or before September 1, 2006. CMP, pp. 15-16.

2. Although Plaintiffs have served written discovery that includes requests related to class certification issues, the obligation to respond to discovery is presently limited to document requests seeking certain classes of documents. *See*, November 28, 2005 Order limiting discovery.

3. All Defendants have agreed to produce certain documents, but each Defendant has deferred production pending the Court's entry of a protective order addressing the issue of confidentiality. The parties have submitted proposed protective

orders for the Court's consideration, and have briefed the minor distinctions between their proposals.

4. At this time, the Plaintiffs have not had the opportunity to obtain any documents from the Defendants in response to discovery, and are therefore in need of additional time to prepare their Motion for Class Certification and supporting brief. In light of the large volume of documents Plaintiffs anticipate receiving and analyzing, Plaintiffs propose a 90-day enlargement of the entire class certification briefing schedule included in the CMP, as follows:

1. Plaintiffs shall file their Motion for Class Certification and supporting Brief on or before **June 1, 2006**. Plaintiff shall also file supporting materials on that date, including expert disclosures and reports, to the extent possible in light of defendants' discovery responses as of February 15, 2006.
2. Defendants shall file their response to Plaintiffs' Motion for Class Certification on or before **September 1, 2006**. Defendants shall also file supporting materials on that date, including expert disclosures and reports, to the extent possible in light of plaintiffs' discovery responses as of May 18, 2006.
3. Plaintiffs shall file their reply in support of class certification on or before **December 1, 2006**.

The remainder of Section XV.B. should remain unchanged.

4. Defendants do not oppose the enlargement of time and revised schedule proposed herein.

WHEREFORE, Plaintiffs request that the Court enter an Order approving the 90-day enlargement of the class certification briefing schedule set forth above and amending the CMP to reflect the enlargement and revised schedule.

Dated: February 23, 2006

Respectfully submitted,

/s/ Scott D. Gilchrist

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CERTIFICATE OF SERVICE

I hereby certify that on February 23, 2006, a copy of *Plaintiffs' Motion to Amend Class Certification Briefing Schedule* was filed electronically. Notice of this filing will be sent to the following parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

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**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

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

**ORDER ENLARGING
CLASS CERTIFICATION BRIEFING SCHEDULE**

Plaintiffs, by Interim Co-Lead Counsel, having moved the Court for a 90-day enlargement of the class certification schedule set forth in the Court’s October 31, 2006 Case Management Plan (“CMP”), and having reported that the Defendants do not oppose the requested enlargement, the Court now finds that the Plaintiffs’ Motion to Enlarge Class Certification Briefing Dates should be granted.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by this Court that the class certification briefing schedule is hereby enlarged by 90 days, and that Paragraphs XV.B. of the CMP is amended to state as follows:

1. Plaintiffs shall file their Motion for Class Certification and supporting Brief on or before **June 1, 2006**. Plaintiff shall also file supporting materials on that date, including expert disclosures and reports, to the extent possible in light of defendants’ discovery responses as of May 18, 2006.
2. Defendants shall file their response to Plaintiffs’ Motion for Class Certification on or before **September 1, 2006**. Defendants shall also file supporting materials on that date, including expert disclosures and reports, to the extent possible in light of plaintiffs’ discovery responses as of August 18, 2006.
3. Plaintiffs shall file their reply in support of class certification on or before **December 1, 2006**.

4. A class certification hearing shall be scheduled by the Court at its convenience no earlier than 90 days after the close of initial briefing.
5. Any additional expert reports filed in support of or in opposition to class certification shall be disclosed to opposing parties no later than **60 days** prior to the hearing on class certification.
6. All remaining materials in support of or in opposition to class certification, including pre-hearing briefs, shall be filed no later than **30 days** prior to the hearing on class certification.

SO ORDERED.

Dated: _____

Judge, United States District Court
Southern District of Indiana