

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
WESTERN DIVISION**

IN RE: IOWA READY-MIX
CONCRETE ANTITRUST
LITIGATION

No. C10-4038-MWB
(CONSOLIDATED CASES)

**ORDER RE CONSOLIDATION,
STAY, AND PROCEDURES FOR
SELECTING INTERIM CLASS
COUNSEL**

RANDY WATERMAN, on behalf of
himself and all others similarly-situated,

Plaintiff,

vs.

GCC ALLIANCE CONCRETE, INC.,
et al.,

Defendants.

C10-4038-MWB

DAWN ALLEN, on behalf of herself and
all others similarly-situated,

Plaintiff,

vs.

GCC ALLIANCE CONCRETE, INC.,
et al.,

Defendants.

C10-4040-MWB

FRANK AUDINO CONSTRUCTION,
INC., on behalf of itself and all others
similarly-situated,

Plaintiffs,

vs.

GCC ALLIANCE CONCRETE, INC.,
et al.,

Defendants.

C10-4041-MWB

STRAWN CONSTRUCTION CO., on
behalf of itself and all others similarly-
situated,

Plaintiffs,

vs.

GCC ALLIANCE CONCRETE, INC.,
et al.,

Defendants.

C10-4042-MWB

FARMERS COOPERATIVE
COMPANY, on behalf of itself and all
others similarly-situated,

Plaintiffs,

vs.

GCC ALLIANCE CONCRETE, INC.,
et al.,

Defendants.

C10-4043-MWB

SIOUX CITY ENGINEERING CO., on
behalf of itself and all others similarly-
situated,

Plaintiffs,

C10-4045-MWB

vs.

GCC ALLIANCE CONCRETE, INC.,
et al.,

Defendants.

STRAWN CONSTRUCTION
SERVICES, INC., on behalf of itself and
all others similarly-situated,

Plaintiffs,

C10-4046-MWB

vs.

GCC ALLIANCE CONCRETE, INC.,
et al.,

Defendants.

DIRKSEN AG ENTERPRISES, INC.,
on behalf of itself and all others
similarly-situated,

Plaintiffs,

C10-4047-MWB

vs.

GCC ALLIANCE CONCRETE, INC.,
et al.,

Defendants.

LE MARS PUBLIC STORAGE, INC.,
on behalf of itself and all others
similarly-situated,

Plaintiffs,

vs.

GCC ALLIANCE CONCRETE, INC.,
et al.,

Defendants.

C10-4048-MWB

CITY OF LE MARS , IOWA, on behalf
of itself and all others similarly-situated,

Plaintiffs,

vs.

GCC ALLIANCE CONCRETE, INC.,
et al.,

Defendants.

C10-4050-MWB

These ten civil cases all arise from the facts and circumstances underpinning the criminal charges being brought in this court in *United States v. Steven Keith VandeBrake*, No. CR10-4025-MWB. About six weeks ago, VandeBrake consented to the filing of a three-count criminal information charging him with violations of Section 1 of the Sherman Act, Title 15 U.S.C. § 1. The charges involved allegations of price-fixing and bid-rigging among ready-mix contractors in the Northern District of Iowa. On May 4, 2010, VandeBrake pled guilty to the charges. About an hour before the plea hearing, the first of these civil cases was filed. The second was filed on May 13, 2010. The last was filed

on June 4, 2010. It seems likely that additional cases will follow. Generally, four sets of attorneys represent the various plaintiffs. Thus far, three have filed motions asking to be appointed interim class counsel.

All of these cases have been pleaded as class actions, and all involve essentially the same defendants and the same or similar causes of action. A number of motions have been filed setting out proposals for scheduling and managing the cases. The motions are as follows:

C10-4038-MWB	Motion to Consolidate Cases; Doc. No. 14
C10-4038-MWB	Motion to Appoint Interim Class Counsel and Defer Defendant's Responsive Pleading; Doc. No. 19
C10-4040-MWB	Motion to Consolidate Cases; Doc. No. 5
C10-4040-MWB	Motion to Appoint Interim Class Counsel and Defer Defendant's Responsive Pleading; Doc. No. 11
C10-4041-MWB	Motion to Consolidate Cases; Doc. No. 11
C10-4041-MWB	Motion to Appoint Interim Class Counsel and Defer Defendant's Responsive Pleading; Doc. No. 15
C10-4042-MWB	Motion to Appoint Interim Class Counsel and Defer Defendant's Responsive Pleading; Doc. No. 4
C10-4043-MWB	Motion to Consolidate Cases; Doc. No. 10
C10-4043-MWB	Motion to Appoint Interim Class Counsel and Defer Defendant's Responsive Pleading; Doc. No. 14
C10-4045-MWB	Motion to Consolidate Cases; Doc. No. 11
C10-4045-MWB	Motion to Appoint Interim Class Counsel and Defer Defendant's Responsive Pleading; Doc. No. 15
C10-4045-MWB	Motion for Extension of Time to File Answer; Doc. No. 23
C10-4046-MWB	Motion to Appoint Interim Class Counsel and Defer Defendant's Responsive Pleading; Doc. No. 5

- C10-4047-MWB Motion to Appoint Interim Class Counsel and Defer Defendant's Responsive Pleading; Doc. No. 10
- C10-4048-MWB Motion to Appoint Interim Class Counsel and Defer Defendant's Responsive Pleading; Doc. No. 10
- C10-4050-MWB Motion to Appoint Interim Class Counsel and Defer Defendant's Responsive Pleading; Doc. No. 9

The motions all are **denied**, except to the extent relief is granted specifically in this order, but without prejudice to motions being refiled in accordance with any schedule or deadline established by the court in this or in any subsequent order.

Until further order, these ten cases are **consolidated for all purposes**. All filings in these cases must be made in case C10-4038-MWB, and in no other case, and must be made utilizing the following caption.*

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(CONSOLIDATED CASES)

The Clerk of Court will authorize all counsel properly appearing in these cases to file and receive service in C10-4038-MWB.

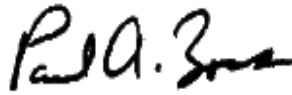
Except for the deadlines established in this order, all deadlines in these cases are stayed, including the deadlines for responsive pleadings and responses to pending motions. Discovery also is stayed, pending further order of the court.

*This caption must be used notwithstanding Local Rule 10.f.

The lawyers for the plaintiffs are directed to confer with each other by **June 24, 2010**, and agree on a proposed order establishing procedures for selecting interim class counsel. The proposed order is to be submitted to the court by email by **July 1, 2010**, at paul_zoss@iand.uscourts.gov. If a complete agreement on all of the terms of the proposed order cannot be reached, counsel are authorized to submit proposed alternative provisions.

IT IS SO ORDERED.

DATED this 10th day of June, 2010.



PAUL A. ZOSS
CHIEF MAGISTRATE JUDGE
UNITED STATES DISTRICT COURT