

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

IN RE: IOWA REDY-MIX
CONCRETE ANTITRUST
LITIGATION,

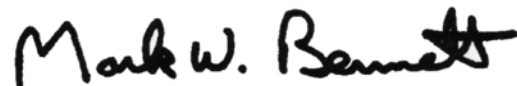
No. C 10-4038-MWB

ORDER

By e-mail to counsel dated June 21, 2010, a copy of which is attached, I notified counsel for the various parties of the procedures that I will use for the lead counsel auction on July 9, 2010. Objections to the procedures set out in that e-mail must be filed **not later than June 29, 2010**, and shall be **limited to five pages**.

IT IS SO ORDERED.

DATED this 22nd day of June, 2010.



MARK W. BENNETT
U. S. DISTRICT COURT JUDGE
NORTHERN DISTRICT OF IOWA



Waterman v. VS Holding Co. et al (10cv4038) - consolidated antitrust actions - "going once, twice, sold to the lowest bidder"- ready to rumble?

picknerlaw, swandro, pavlack,
ilevin, rshevitz, sgilchrist, bsund,
jbigam, jeffreymyerslaw, rsteiner,
vesades, jwredlaw, john.gray,
kchristensen, skillinger, ghansel,
jcarver, levitt, isquith, tangren,
murphlaw, biesanz, rhenkin, Jeana,
pkohn, rschwartz, scott, sconolly,
kdevalerio, jdominguez, clovell,
fisquity, jer, mlz, hdraper, twalton,
dhartnett, flgoodwin, bstrawbridge,
crussell, tcostakis, mwhitaker,
arodgers, ddegabrielle, skhan,
wpakalka

Mark Bennett(Dist Judge) to: Jeremy, kzylstra, mark, nathaniel, 06/21/2010 09:16 PM

Cc: Paul Zoss, Jennifer Gill, Roger Mastalir

From: Mark Bennett/IAND/08/USCOURTS(Dist Judge)

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Dear Counsel,

I have been furiously reading every case , law review article and economics journal I can get my hands on about auction procedures to assist in picking lead counsel . I have tentatively concluded that I **may** conduct an in court auction at the upcoming "beauty contest" to assist me in determining who lead counsel should be . I am not using a grid, declining percentages, a minimum recovery or other devices and economic gimmicks that interfere with comparability of bids . I intend to keep this simple because the liability aspect of these cases is no more complicated than a slip and fall at a local grocery store - perhaps much less complicated now that the Feds have done all the liability work for you. The bid will be just one factor in selecting lead counsel . Therefore, you should be prepared to bid in open court- no sealed bids. I like transparency. No bids no lead counsel. The low percentage bid of the total recovery will win the auction . I will be the auctioneer. If I catch any parties or lawyers colluding with other counsel in the

other consolidated cases on bidding you will be disqualified from the auction and from representing a party in this litigation . No group bids from more than one case allowed . Multiple firms representing a plaintiff or plaintiffs in a single case must submit a combined bid unless each firm is independently seeking "lead counsel" status. Any violations off the Iowa Rules of Professional Responsibility in obtaining a client in these cases will disqualify counsel from the auction and perhaps the case . Please file your objections to this procedure within 7 days of this e-mail. Limit 5 pages - save trees and money for the alleged victims if there is a recovery . I will file a short order attaching this e-mail to it. Looking forward to meeting those seeking "lead counsel" status on the 9th. All firms appearing in these cases are encouraged to seek "lead counsel" status. No prior experience as lead counsel in class cases required . In fact, it may be a disadvantage because I am not about "business as usual" especially in allegedly complex cases. Get ready to rumble on July 9th. Sincerely,

P.S. In my 35 years of experience in the legal profession I have almost always been considerably underwhelmed by East Coast law firms . I am not impressed by inflated rates and even more inflated billing practices , 6 lawyer to take a simple deposition , a total lack of civility, obstructionist discovery tactics at every turn , poor trial skills and unsurpassed arrogance. Also, not one lawyer could not name a single state that borders Iowa .



Mark W. Bennett

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"Do not be daunted by the enormity of the world's grief. Do justly, now. Love mercy, now. Walk humbly, now . You are not obligated to complete the work, but neither are you free to abandon it."
- The Talmud

"The moral arc of the universe is long but it bends towards justice."
- MLK, Jr.