

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA
HARRISBURG DIVISION**

IN RE: CHOCOLATE	:	
CONFECTIONARY ANTITRUST	:	MDL DOCKET NO. 1935
LITIGATION	:	(Civil Action No. 1:08-MDL-
	:	1935)
	:	
	:	(Judge Conner)
	:	
THIS DOCUMENT RELATES	:	
TO: DIRECT PURCHASER	:	
PLAINTIFFS	:	
	:	<i>FILED ELECTRONICALLY</i>

**DIRECT PURCHASER CLASS PLAINTIFFS'
MOTION FOR CLASS CERTIFICATION**

Pursuant to Federal Rule of Civil Procedure 23, Plaintiffs hereby move this Court for an Order certifying this action as a class action. Plaintiffs respectfully request that the Court certify the following Class:

All persons and entities who directly purchased standard (“singles”) and King size (“Kings”) single serve chocolate candy for re-sale from any defendant or any predecessor, controlled subsidiary affiliates or division of any defendant, in the United States or for delivery into the United States at any time from December 9, 2002 through December 20, 2007.

Excluded from the class are governmental entities, Defendants, or any present or former parent, subsidiary or affiliate thereof. Also excluded from the class are Meijer, Inc., Meijer Distribution, Inc., Publix Supermarkets, Inc., CVS Pharmacy, Inc., Rite Aid Corporation, Rite Aid Hdqtrs Corp., Longs Drug Stores California, Inc., The Kroger Co., Safeway, Inc., Walgreen Co., Hy-Vee, Inc., Giant Eagle, Inc., Affiliated Foods, Inc., Food Lion, LLC, Hannaford Bros. Co., and Kash N’ Karry Food Stores, Inc.

As set forth in Plaintiffs’ Memorandum of Law, the proposed Class meets the requirements for class certification under Rule 23(a) and Rule 23(b)(3) of the Federal Rules of Civil Procedure.

Dated: May 27, 2011

Respectfully submitted,

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