

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE: CHOCOLATE : **MDL DOCKET NO. 1935**
CONFECTIONARY ANTITRUST : **(Civil Action No. 1:08-MDL-1935)**
LITIGATION :
_____ : **(Judge Conner)**
:
THIS DOCUMENT APPLIES TO: :
:
ALL CASES :

CASE MANAGEMENT ORDER NO. 14
RE: REVISED SCHEDULE FOR FACT DISCOVERY
AND CLASS CERTIFICATION

AND NOW, this 28th day of July, 2010, upon consideration of the joint status conference held on July 27, 2010, wherein plaintiffs requested that the fact discovery period remain open until June 30, 2011, and defendants moved for closure of fact discovery prior to submission of Direct Purchaser Plaintiffs' motion for class certification,¹ it is hereby ORDERED that Case Management Order No. 12B is MODIFIED and the following schedule shall govern fact discovery and class certification briefing:

1. **CLOSE OF FACT DISCOVERY.** Fact discovery shall be closed on March 31, 2011.
2. **DIRECT PURCHASER PLAINTIFFS' CLASS CERTIFICATION BRIEFING, EXPERT REPORTS & HEARING ON CLASS CERTIFICATION.**
 - a. **Briefing Schedule & Length of Briefs.** The following schedule shall govern briefing on the Direct Purchaser Plaintiffs' motion for class certification:

¹ As used in this order, "fact discovery" refers to all discovery other than expert reports and depositions related to class certification.

- i. Direct Purchaser Plaintiffs shall file a motion and supporting brief on or before March 31, 2011. The brief in support of the motion shall not exceed 60 pages in length.
 - ii. Defendants shall file a brief in opposition to the motion on or before June 16, 2011. The brief in opposition shall not exceed 60 pages in length.
 - iii. Direct Purchaser Plaintiffs may file a reply brief on or before August 25, 2011. The reply brief shall not exceed 30 pages in length.
- b. **Direct Purchaser Plaintiffs' Expert Reports & Depositions.** The following schedule shall govern the production of expert reports and any subsequent depositions.
 - i. Direct Purchaser Plaintiffs shall disclose expert reports in support of the motion for class certification on or before March 31, 2011.
 - ii. Defendants may depose Direct Purchaser Plaintiffs' expert(s) on or before May 9, 2011.
 - iii. Defendants shall disclose expert reports in support of the brief in opposition to Direct Purchaser Plaintiffs' motion for class certification on or before June 16, 2011.
 - iv. Direct Purchaser Plaintiffs may depose defendants' expert(s) on or before July 18, 2011.
 - v. Supplemental expert report(s) must be exchanged on or before August 25, 2011.
- c. **Hearing on Direct Purchaser Plaintiffs' Motion for Class Certification.** The court shall conduct a hearing on the motion for class certification of the Direct Purchaser Plaintiffs beginning September 15, 2011.
- d. **Summary Judgment.** A schedule governing briefing for summary judgment shall issue by future order of court.

3. **INDIRECT PURCHASER FOR RESALE PLAINTIFFS' CLASS CERTIFICATION BRIEFING, EXPERT REPORTS & HEARING ON CLASS CERTIFICATION.**

- a. **Briefing Schedule & Length of Briefs.** The following schedule shall govern briefing on the Indirect Purchaser for Resale Plaintiffs' motion for class certification:
- i. The Indirect Purchaser for Resale Plaintiffs shall file a motion and supporting brief on or before December 7, 2011. The brief in support of the motion shall not exceed 60 pages in length.
 - ii. Defendants shall file a brief in opposition to the motion on or before February 8, 2012. The brief in opposition shall not exceed 60 pages in length.
 - iii. The Indirect Purchaser for Resale Plaintiffs may file a reply brief on or before April 11, 2012. The reply brief shall not exceed 30 pages in length.
- b. **Indirect Purchaser for Resale Plaintiffs' Expert Reports & Depositions.** The following schedule shall govern the production of expert reports and any subsequent depositions.
- i. The Indirect Purchaser for Resale Plaintiffs shall disclose expert reports in support of the motion for class certification on or before December 7, 2011.
 - ii. Defendants may depose the Indirect Purchasers for Resale Plaintiffs' expert(s) on or before January 9, 2012.
 - iii. Defendants shall disclose expert reports in support of the brief in opposition to the Indirect Purchaser for Resale Plaintiffs' motion for class certification on or before February 8, 2012.
 - iv. The Indirect Purchaser for Resale Plaintiffs may depose defendants' expert(s) on or before March 12, 2012.
 - v. Supplemental expert report(s) must be exchanged on or before April 11, 2012.

- c. **Hearing on the Indirect Purchaser for Resale Plaintiffs' Motion for Class Certification.** The court shall conduct a hearing on the motion for class certification of the Indirect Purchaser for Resale Plaintiffs beginning May 16, 2012.
- d. **Summary Judgment.** A schedule governing briefing for summary judgment shall issue by future order of court.

4. **INDIRECT END USER PLAINTIFFS' CLASS CERTIFICATION BRIEFING, EXPERT REPORTS & HEARING ON CLASS CERTIFICATION.**

- a. **Briefing Schedule & Length of Briefs.** The following schedule shall govern briefing on the Indirect End User Plaintiffs' motion for class certification:
 - i. The Indirect End User Plaintiffs shall file a motion and supporting brief on or before December 7, 2011. The brief in support of the motion shall not exceed 60 pages in length.
 - ii. Defendants shall file a brief in opposition to the motion on or before February 8, 2012. The brief in opposition shall not exceed 60 pages in length.
 - iii. The Indirect End User Plaintiffs may file a reply brief on or before April 11, 2012. The reply brief shall not exceed 30 pages in length.
- b. **Indirect End User Plaintiffs' Expert Reports & Depositions.** The following schedule shall govern the production of expert reports and any subsequent depositions.
 - i. The Indirect End User Plaintiffs shall disclose expert reports in support of the motion for class certification on or before December 7, 2011.
 - ii. Defendants may depose the Indirect End User Plaintiffs' expert(s) on or before January 9, 2012.

- iii. Defendants shall disclose expert reports in support of the brief in opposition to the Indirect End User Plaintiffs' motion for class certification on or before February 8, 2012.
 - iv. The Indirect End User Plaintiffs may depose defendants' expert(s) on or before March 12, 2012.
 - v. Supplemental expert report(s) must be exchanged on or before April 11, 2012.
- c. **Hearing on the Indirect End User Plaintiffs' Motion for Class Certification.** The court shall conduct a hearing on the motion for class certification of the Indirect End User Plaintiffs beginning May 16, 2012.
 - d. **Summary Judgment.** A schedule governing briefing for summary judgment shall issue by future order of court.
5. **INDIVIDUAL PLAINTIFFS' SUMMARY JUDGMENT BRIEFING SCHEDULE.** An order setting forth a briefing schedule for Rule 56 motions on the Individual Plaintiffs' action shall issue following the court's order on class certification in the Direct Purchaser Plaintiffs' action.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge