

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

IN RE: IOWA READY-MIX  
CONCRETE ANTITRUST  
LITIGATION

No. 5:10-CV-04038-MWB  
(CONSOLIDATED CASES)

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STIPULATED SCHEDULING ORDER AND DISCOVERY PLAN

Counsel have conferred and submit the following case information and proposed dates for case management:

1. Did the parties both (a) enter into an agreement at the Rule 26(f) conference resolving all issues relating to initial disclosures, and (b) discuss the preservation, disclosure, and discovery of electronically stored information?  X  yes   no

If any party objected at the Rule 26(f) conference to making or to the timing of the initial disclosures, then the objecting party must, within 10 days after this order and plan has been filed, serve and file a document in which the objections are set forth with particularity. If the parties have agreed to a deadline for making the initial disclosures, state the date by which the initial disclosures will be made: **August 24, 2010.**

2. On or before **August 24, 2010**, each party will file a declaration with the Court stating that the party has been advised of its obligation to preserve documents and electronic data as required by law and agrees to preserve documents and electronic data as required by law.
3. The parties agree that all discovery requests and responses thereto (unless too physically or electronically large) will be served via email on undersigned counsel for all of the parties.
4. Each defendant agrees to produce electronic copies of all documents seized by the Department of Justice pursuant to search warrants in 2009 or 2010 or produced to the Department of Justice pursuant to grand jury subpoenas issued in 2009 or 2010, or seized by or produced to the United States Department of Transportation, or any other governmental agency in connection with any antitrust investigation in 2009 or 2010, provided that the Protective Order that the parties anticipate the Court will enter has first been entered. Defendants agree in good faith to use their best efforts to complete their respective productions by **September 15, 2010**, and they agree that if the process of designating documents as being confidential or otherwise protected by the expected Protective Order

delays the production of all documents, they will each produce as many as they can by **September 15, 2010** and the remainder by **September 30, 2010**.

5. Deadline for answers or other responses to consolidated complaint: **September 17, 2010**.
6. Deadline for motions to add parties: **April 15, 2011**.
7. Deadline for motions to amend pleadings: **April 15, 2011**.
8. Class certification deadlines:
  - (a) Deadline for motion for class certification and supporting brief, including expert reports: **March 1, 2011**.
  - (b) Deadline for defendants' responses to motion for class certification, including expert reports: **May 2, 2011**.
  - (c) Deadline for plaintiffs' reply in support of motion for class certification, , including any additional expert reports: **July 1, 2011**.
  - (d) Within **three business days** following their respective reports, the expert will provide all documents, data, and information considered by the expert in forming their opinions, as well as all of the other information required to be disclosed by F.R.C.P. 26(a)(2)(B).
  - (e) Each party will make their respective experts available for depositions in the **14 day periods** following their respective reports.
  - (f) The Court shall conduct a class certification hearing (if any) at **9:00 a.m. on August 8, 2011**.
9. Expert witnesses for trial disclosed by:
  - (a) Plaintiff: **September 1, 2011**
  - (b) Defendant: **November 1, 2011**
  - (c) Plaintiff Rebuttal: **December 1, 2011**
  - (d) Within **three business days** following their respective reports, the expert will provide all documents, data, and information considered by the expert in forming their opinions, as well as all of the other information required to be disclosed by F.R.C.P. 26(a)(2)(B).
  - (e) Each party will make their respective experts available for depositions in the **14 day periods** following their respective trial disclosures.

10. Deadline for *completion* of fact discovery: **December 1, 2011**; Deadline for *completion* of expert discovery: **December 15, 2011**.
11. Dispositive motions deadline (*at least 120 days before Trial Ready Date*): **December 30, 2011**.
12. Trial Ready Date (at least 120 days after Dispositive Motions Date): **April 30, 2012**.
13. Has a jury demand been filed? **X** yes \_\_\_ no
14. Estimated length of trial: **15-20** days
15. Settlement conference (choose one of the following): (a) \_\_\_ A court-sponsored settlement conference should be set by the court at this time for a date after: \_\_\_\_\_; or (b) **X** A court-sponsored settlement conference is not necessary at this time.
16. Should the court order a court-sponsored scheduling and planning conference pursuant to Fed. R. Civ. P. 16(b) and 26(f)? **X** yes \_\_\_ no
17. Do the parties unanimously consent to trial, disposition and judgment by a U.S. Magistrate Judge, with appeal to the Eighth Circuit Court of Appeals pursuant to 28 U.S.C. § 636(c)(3)? \_\_\_ yes **X** no

Respectfully submitted,

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***Counsel for Defendant Siouxland Concrete Company***

**IT IS ORDERED** that this proposed Scheduling Order and Discovery Plan **X** is \_\_\_\_\_ is not approved and adopted by this court.

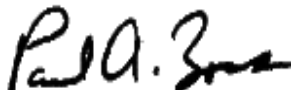
**IT IS FURTHER ORDERED** that a scheduling and planning conference:

**X** will not be scheduled at this time.

\_\_\_\_\_ will be held in the chambers of Judge \_\_\_\_\_ at the U.S. Courthouse in \_\_\_\_\_, Iowa, on the \_\_\_\_\_ day of \_\_\_\_\_, at \_\_\_\_\_ o'clock, \_\_\_\_m.

\_\_\_\_\_ will be held by telephone conference, initiated by the court, on the \_\_\_\_\_ day of \_\_\_\_\_, at \_\_\_\_\_ o'clock, \_\_\_\_m.

**DATED** this 17th day of August, 2010.



PAUL A. ZOSS  
CHIEF MAGISTRATE JUDGE  
UNITED STATES DISTRICT COURT