

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: PROCESSED EGG PRODUCTS	:	
ANTITRUST LITIGATION	:	
	:	MDL No. 2002
	:	08-md-02002
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	:	
THIS DOCUMENT APPLIES TO:	:	
DIRECT ACTION PLAINTIFF CASES	:	

CASE MANAGEMENT ORDER NO. 15

AND NOW, this 21st day of January, 2011, the parties, having conferred regarding a preliminary schedule for the Direct Action Plaintiff Cases, and this Court, having considered their proposal, and upon consideration of other case management aspects of this litigation, it is hereby **ORDERED** that:

1. APPLICABILITY OF ORDER

This Order shall govern all currently-filed and any future non-class Direct Action Plaintiff Case,¹ except as may be excepted by the Court for good cause. The term “Direct Action Plaintiff Case” refers to any non-class action lawsuit alleging direct or indirect purchases filed in or removed to a U.S. District Court and coordinated for purposes of pretrial proceedings with the *In re Processed Egg Products Antitrust Litigation*, MDL No. 2002, Case No. 08-md-2002 (E.D. Pa.) (the “MDL Proceeding”). At the time this Order was entered, the following Direct Action Plaintiff Cases are pending: (1) *Meijer, Inc. v. United Egg Producers, Inc.*, et al., Case No. 10-cv-6735 (E.D. Pa.); (2) *Supervalu, Inc. v. United Egg Producers, Inc.*, et al., Case No.

¹ The Court intends to highlight that there is an important distinction between Direct Action Plaintiff cases and Direct Purchaser Class Plaintiff and Indirect Purchaser Class Plaintiff cases.

10-cv-6736 (E.D. Pa.); (3) *Publix Supermarkets, Inc. v. United Egg Producers, Inc.*, et al., Case No. 10-cv-6737 (E.D. Pa.); (4) *The Kroger Co., et al., v. United Egg Producers, Inc.*, et al., Case No. 10-cv-6705 (E.D. Pa.); (5) *Giant Eagle, Inc. v. United Egg Producers, Inc.*, et al., Case No. 10-cv-1698 (W.D. Pa.) (MDL transfer to E.D. Pa. pending); and (6) *Sodexo, Inc. v. United Egg Producers*, et al., Case No. 11-cv-00086 (E.D. Pa.).

2. CONSOLIDATION

The Direct Action Plaintiff Cases are consolidated with the MDL Proceeding for pre-trial purposes. To the extent applicable, all other Case Management Orders entered in the MDL Proceeding shall apply to the Direct Action Plaintiff Cases. Any person questioning the applicability of any Case Management Order (or portion thereof) to any specific Direct Action Plaintiff Case shall request by motion that the Court to state affirmatively whether, and to what extent, such Order is applicable.

3. SERVICE

Counsel for Defendants in the currently-filed Direct Action Plaintiff Cases, or separate counsel as retained by a Defendant for a specific Direct Action Plaintiff Case, shall accept service of any Direct Action Plaintiff Complaint on behalf of their respective client(s).

4. DIRECT ACTION PLAINTIFF LIAISON COUNSEL

William J. Blechman of Kenny Nachwalter P.A. shall serve as Direct Action Plaintiff Liaison Counsel. Direct Action Plaintiff Liaison Counsel's duties shall be the same as those set forth in Section 5 of Case Management Order No. 1 entered in the MDL Proceeding (Docket No. 3).

5. SCHEDULE

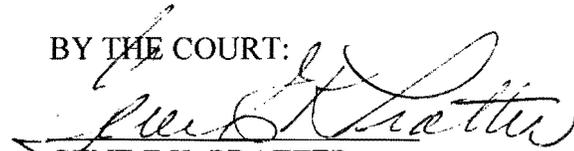
Defendants' obligations to respond to any currently-filed or future Direct Action Plaintiff Complaint shall be stayed pending the Court's rulings on all Motions to Dismiss the Direct Purchaser Class Plaintiffs' Second Consolidated Amended Class Action Complaint ("SCAC") filed in the MDL Proceeding as of the date of this Case Management Order. No later than forty-five (45) days following the Court entering the last of such rulings on such Motions, the Defendants shall answer, move, or otherwise respond to such Direct Action Plaintiff Complaints, provided that, for good cause shown, the Court may modify the schedule and/or substantive obligations set forth herein.

Direct Action Plaintiffs may participate in any discovery, limited or otherwise, and join in or file motions permitted or ordered by the Court in the interim.

To the extent that any other Direct Action Plaintiff Complaints are filed before the Court rules on all of the Defendants' Motions to Dismiss the Direct Purchaser Class Plaintiffs' SCAC, then Defendants will respond to those new Complaints on the same timetable as set forth in this Stipulation, unless otherwise ordered by the Court upon motion for relief from such obligation for good cause shown. To the extent that any other Direct Action Plaintiff Complaints are filed after the Court rules on Defendants' motions to dismiss the SCAC, the parties will confer about the timing obligations for Defendants' responses to those other complaints and, absent agreement, will promptly request a conference with the Court to address scheduling and timing issues then extant.

It is so **ORDERED**.

BY THE COURT:



GENE E.K. PRATTER

United States District Judge