

**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:** :  
**ALL ACTIONS** :

**CASE MANAGEMENT ORDER NO. 17**

**WHEREAS**, pursuant to the Court’s Case Management Order No. 16, the parties have met and conferred to develop and agree upon a protocol governing a Joint Document Depository (“JDD”) for this multi-district litigation. As a result of these discussions, the parties, by and through their counsel, submitted a proposed order reflecting their agreement on this protocol.

**AND NOW**, this 23rd day of February, 2012, upon consideration of the parties’ Stipulation and Proposed Order Establishing a Joint Document Depository, it is hereby

**ORDERED** that the following will govern the JDD in this matter:

**I. OBJECTIVES**

The document depository procedures outlined herein are designed to accomplish the following:

- A. To promote efficient and economical management of documents and data in this multiparty litigation;
- B. To ensure the continued existence of relevant documents and data; and
- C. To reduce the aggregate costs of producing and maintaining documents and data.

## **II. JOINT DOCUMENT DEPOSITORY**

The JDD shall consist of the on-line facility in which documents, data, and other materials will be stored until further order of the Court. The JDD shall be the official JDD for MDL 2002.

### **A. Contents of and Access to the JDD**

The JDD shall store all electronic materials produced by parties and third-parties in this proceeding, including documents, deposition transcripts, and similar materials, with the potential exceptions (pending further discussions of the parties and their chosen vendor) of the video recordings of depositions and large transactional databases. Further, the parties will meet and confer about whether the JDD will contain copies of any paper materials that may be made available for inspection and that do not exist in electronic form.

The materials in the JDD shall be made available to any litigants and their counsel of record in this case and any related state court action in which discovery is coordinated with this litigation, subject to agreements by those litigants to adhere to the terms of the JDD and to make appropriate financial contributions, and to adhere to the terms of the Protective Order in this case for litigants not a party to this case. The JDD's hardware and software systems shall be internet-based, allowing for the viewing, downloading, and printing of documents from remote locations.

Plaintiffs' Liaison Counsel or designated counsel shall be responsible for monitoring the content of the JDD and providing a notification to Plaintiffs' counsel as to the JDD content as Plaintiffs' counsel determine appropriate.

**B. Fees related to the JDD**

Fees shall be allocated among the parties, with Defendants, as a group, and Plaintiffs, as a group, each paying 50% of the cost of creation and maintenance of the JDD. Both Defendants and Plaintiffs shall determine the allocation of payment responsibilities within their respective group. No party is obligated to use the JDD for document review or to perform searches, and costs specific to an individual party--*e.g.*, any fees for document review or technical service fees for party-specific projects--will not constitute shared costs and shall be paid for by the requesting party.

**C. The JDD Agreement**

The parties are in the final stages of selecting a vendor to host and administer the JDD and negotiating the terms of the arrangement. The agreement negotiated with the vendor will specify in as much detail as reasonably possible the costs to be incurred by each party. The parties will not select a vendor in which any party, or its counsel, has a financial or other interest. The selected vendor will establish and maintain the JDD in coordination with designated counsel for Defendants and designated counsel for Plaintiffs, who will consult with each other.

**D. Service of Discovery Responses to the JDD**

An obligation to produce documents shall be fully satisfied by producing documents to the vendor and providing simultaneous email notice to liaison counsel for all parties. Such notice shall identify the materials being produced and set forth, where applicable, the Bates ranges of such materials.

Upon a party's request, the vendor will provide a copy of produced materials to a party (either via a secure ftp site or an electronic copy on a disk) at no or reasonable cost.

**E. Delivery of Discovery Material**

The party serving discovery requests (including requests for documents or admissions and interrogatories) or responses thereto (including responsive documents) shall be responsible for providing a copy of their request or response to the JDD. The party noticing a deposition shall be responsible for providing a copy of the notice and the subsequent transcript (including subsequent errata) to the JDD.

BY THE COURT:

S/Gene E.K. Pratter  
GENE E.K. PRATTER  
United States District Judge