

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

**IN RE: PROCESSED EGG PRODUCTS
ANTITRUST LITIGATION**

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**MDL No. 2002
08-md-02002**

**THIS DOCUMENT APPLIES TO:
ALL ACTIONS**

CASE MANAGEMENT ORDER NO. 7

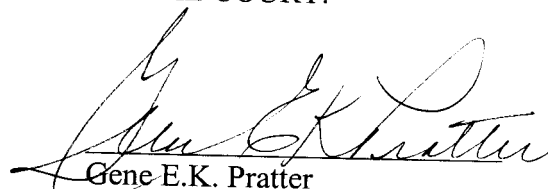
AND NOW, this 2nd day of February, 2009, the Court has determined that the likelihood of disputes arising in this case concerning electronic discovery merits the appointment and availability of a Special Master in this case to evaluate and recommend resolutions for such disputes. Accordingly, the Court hereby notifies the parties of the Court's intention in this regard. In particular, the Court notifies the parties that Sandra A. Jeskie, Esq. is a professional who appears to be appropriate to serve in the proposed capacity. A copy of Ms. Jeskie's C.V. is attached to this Order for counsel's consideration, along with her affidavit pursuant to F.R.C.P. 53(b)(3)(A). The Court expressly draws counsel's attention to the fact that Ms. Jeskie is a partner in the law firm of Duane Morris LLP, the law firm with which the Court was previously affiliated. The Court currently has no financial interest in that law firm and has no business or familial relationship with Ms. Jeskie or with any member of that firm.

On or before February 20, 2009, the parties via Liaison Counsel shall notify the Court:

1. Whether the party(ies) object or agree to the potential use of a Special Master in this case in connection with electronic discovery matters;

2. Whether the party(ies) request the Court to consider other potential professionals to serve as Special Master for electronic discovery matters as may be presented in this litigation and, if so, the names and relevant credentials of such other person(s); and
3. Whether the party(ies) agree or disagree with the selection of Ms. Jeskie to serve as such Special Master pursuant to such procedures as may be delineated consistent with F.R.C.P. 53.

BY THE COURT:



Gene E.K. Pratter
United States District Judge

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

IN RE: PROCESSED EGG PRODUCTS
ANTITRUST LITIGATION

MDL No. 2002

Civil Action No. 08-MD-2002

Commonwealth of Pennsylvania

County of Philadelphia

AFFIDAVIT OF SANDRA A. JESKIE, ESQ.

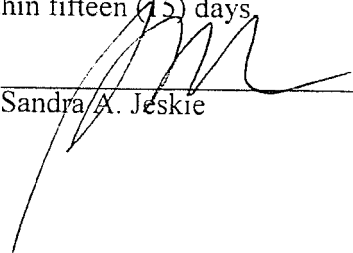
Sandra A. Jeskie, Esquire being duly sworn according to law, deposes and says:

1. I am a partner at Duane Morris LLP, resident in the Philadelphia, PA office located at 30 South 17th Street, Philadelphia, PA 19103-4196.
2. To the best of my knowledge, the only potential conflict which I have been able to identify is that Duane Morris LLP currently represents Milberg LLP in several matters, primarily related to labor and employment. I have had no involvement in those matters.
3. I also note that for a brief time, I was co-counsel with Howard Sedran, Steven Asher and Warren Rubin in In re Electrical Carbon Products Antitrust Litigation, 03-CV-2182 (JBS), MDL 1514 (D.N.J.). The case settled and is closed. My role in that case was limited and would not in any way affect my ability to act as Special Master.
4. Pursuant to Federal Rule of Civil Procedure 53(b)(3), I have reviewed the grounds for disqualification contained within 28 U.S.C. §455, and affirmatively state that I am not aware of any ground for my disqualification thereunder.

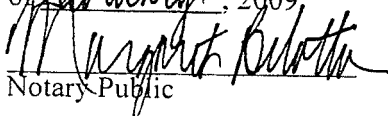
5. My fee as Special Master will be based upon my time at an hourly rate of \$450 (calculated to the tenth of an hour), which is the customary hourly rate charged for my professional services without regard to any premium. If appropriate, I may assign an associate attorney to perform research related to this assignment under my direction. If so, the fee for my services will include fee charges for such associate at customary hourly rates which will be between \$295 and \$350 per hour. The hourly rates for this engagement will not be modified without prior approval by the Court.

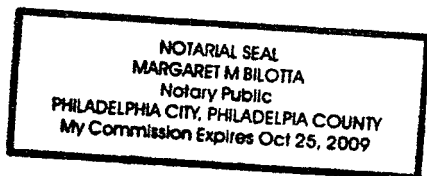
6. I expect to incur the typical costs in connection with my duties as Special Master including, but not limited to, long distance telephone charges, special postage, delivery charges, facsimile charges, photocopy charges, court reporter charges, computerized legal research charges, food and refreshment costs for meetings or travel, and if necessary, witness fees. Such costs and expenses will be billed at Duane Morris LLP's actual cost.

7. I will render my invoices monthly and at the conclusion of my services as Special Master, as appropriate. My invoices are payable within fifteen (15) days.


Sandra A. Jeskie

Sworn to and subscribed
before me this 2ND day
of February, 2009.


Notary Public



DuaneMorris®

[www.duanemorris.com]

Sandra A. Jeskie [Partner]

Duane Morris LLP
30 South 17th Street
Philadelphia, PA 19103-4196
USA



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Fax: 215.689.2586
Email: Jeskie@duanemorris.com

Sandra A. Jeskie has a diverse national practice focused on business, commercial litigation, technology-based litigation, intellectual property litigation, software litigation, e-commerce, privacy, security and Internet or computer law. Ms. Jeskie has litigated complex commercial disputes in state and federal courts and before arbitrators.

Leveraging her more than 16 years' experience as a computer scientist, Ms. Jeskie also advises clients on a wide range of matters, including privacy, security, software licensing and systems development projects, e-discovery and document retention. She also negotiates and drafts service agreements and content Internet-related agreements.

She has appeared on the faculties of dozens of professional education conferences in a number of U.S. cities and around the world, has appeared on the CN8 morning program, and has been quoted in several publications, including the *National Journal's Technology Daily*, *Compliance Reporter*, *Computer World* and the *Philadelphia Business Journal*, and co-authored a "Contracts" chapter in an acclaimed treatise, *Business and Commercial Litigation in Federal Courts*. In 2007, she was named BTI Client Service All-Star for "delivering the absolute best client service." She has also served as an adjunct Professor at Rutgers School of Law, Camden, New Jersey.

Admitted to practice in Pennsylvania and New Jersey, as well as numerous federal courts, she is an officer of the International Technology Law Association (ITechLaw), an officer of the Business Law section of the Philadelphia Bar Association and past chair of its Cyberspace and E-Commerce Committee. She is also member of the Litigation, Intellectual Property and Science and Technology sections of the American Bar Association.

At Duane Morris, Ms. Jeskie is co-chair of the firm's Women's Initiative and is the marketing partner for the firm's Information Technologies and Telecom interdisciplinary practice group.

Ms. Jeskie is a graduate of Temple University School of Law, *magna cum laude*, and a graduate of LaSalle University (M.B.A.; B.A., computer science).

Areas Of Practice

- Complex Commercial Litigation
- Intellectual Property Litigation
- Technology Law
- Computer Law
- Internet Law
- E-commerce

- Licensing
- Corporate Compliance
- Antitrust Law
- Privacy
- Security and Security Breaches
- E-discovery and document retention

Representative Matters

Patent Litigation

- *Schreiber, ZaBeCor Pharmaceuticals v. Eli Lilly* - Represented plaintiffs in an inventorship and patent infringement suit relating to a major pharmaceutical. (E.D. Pa.)
- *Accu-Time Systems, Inc. v. Zucchetti et al.* - Represented defendant in a patent infringement and unjust enrichment litigation relating to a generic pharmaceutical. All claims were withdrawn after minimal discovery. (E.D. Pa.)
- *Block Drug v. AccuMed* - Represented defendant in patent infringement litigation involving generic product. Settlement achieved that client found favorable. (D.N.J.)
- *Rothman v. Mothers Work* - Participated in defense of national maternity apparel company and its distributors against patent infringement claims. Negotiated settlement that client found highly favorable on eve of trial. (D.N.J.)

Software Litigation

- *Factory Mutual Insurance Co. v. SunGard Sherwood Systems* (S.D.N.Y.) - Represented plaintiff insurance company in software failure litigation. Settlement achieved that client found favorable.
- *Ortivus v. MIS* (E.D. Pa.) - Represented software developer in software failure litigation. Settlement achieved that client found favorable.
- Represented numerous software developers and licensees in pre-suit investigation and consideration of claims, and in complex software litigation.

Other Intellectual Property Litigation

- *Johnson Matthey v. Research* (S.D.N.Y.) - Represented Johnson Matthey in complex pharmaceutical development, trade secret and licensing litigation. Settlement achieved that client found favorable.
- *Harold v. Pill Pockets, Inc., et al.* - Represented defendants, a manufacturer and distributor of a pet related products, in defending a broad intellectual property suit brought by the prior owner of a patent. Settlement achieved that client found favorable.
- *Begraft v. E-Bay Inc.* (N.J. Superior Ct.) - Represented E-Bay in litigation relating to rescinded on-line bid on real estate and eBay's online policies. Prevailed by motion and case was dismissed with prejudice.
- *CertainTeed v. CTA Acoustics* - Represented CertainTeed in trade secret and business tort litigation. Settlement achieved that client found favorable.
- *Babiarz v. Verizon* - Represented Verizon in defending a broad intellectual property suit brought by an employee. Achieved dismissal of 13 causes of action on preliminary objections. (Phila. Commerce Ct.)
- Yahoo! - Represented Yahoo! in several cases relating to ISP liability under the Communications Decency Act (CDA). Achieved a result that Yahoo! found favorable in cases, either by settlement or dismissal.
- *Freedom Medical, Inc. v. Gillespie, et al.* - Represented defendant in breach of employment agreement, unfair competition and trade secret case. Achieved settlement that client found favorable. (E.D. Pa.)
- *Fifty-Six Hope Road Music, Ltd. v. Fame Jeans, et al.* - Represented defendant relating to use of photographic images of Bob Marley. Achieved settlement that client found favorable.
- Represented a prominent Internet company in a domain name dispute under the Uniform Domain Name Resolution Policy.
- Represented several companies defending spam and junk fax litigation.

Privacy and Security

- Represented numerous large companies engaged in retail, financial services and the hospitality industry in addressing sensitive security breaches, breach notifications, remedial actions and developing a security breach incident response plan.
- Represented and advised numerous large companies on complex privacy issues.
- Developed complex privacy policies, security policies, website terms and conditions of use, employee blogging policies, technology use policies and other e-commerce and technology issues.

Software Licensing and E-Commerce Contracts

- Ortivus - Counseling and preparation of agreements for this healthcare IT company that offers information and decision-making support systems.
- Opti-Script and MT Audit Services, LLC - Prepared and negotiated customer contracts, software licensing, and a variety of e-commerce contracts.
- Dun & Bradstreet - Prepared and negotiated customer contracts, software licensing and a variety of e-commerce contracts.
- Prepared and negotiated a variety of software license or other IT agreements for a variety of large companies in all industries.

Commercial, Business Tort and Antitrust Litigation

- *Johnson Matthey Inc. v. E.I. Du Pont De Nemours & Co.* (Del.) - Represented plaintiff in AAA arbitration relating to supply contracts and pricing issues.
- *Dick v. Microsoft* (D.Md.) - Counsel for plaintiffs in private plaintiffs' antitrust case against Microsoft Corporation. Deposed several key software witnesses and attended court hearings.
- *GMAC Mortgage Corporation, et al v. Omni National Bank* - Represented defendant bank in a contract case relating to lending practices. Settlement achieved that client found favorable.
- *Johnson Matthey v. Baldwin, et al.* - Represented plaintiff against multiple defendants in material conversion case. Settlement that client found favorable achieved on the eve of trial.
- *In Re: Electrical Antitrust, et al v. Morganite, Inc, et al.* - Represented several major transportation authorities and the class as co-lead counsel relating to the sale of electrical carbon products. Settlement achieved that client found favorable.
- *Reed Elsevier Inc. v. Alexander & Associates, P.C., et al.* - Represented plaintiff in claims of tortious interference with contractual relations, tortious interference with prospective contractual relations, negligent misrepresentation, and commercial disparagement. Settlement achieved that client found favorable. (E.D. Pa.)
- *Government Guarantee Fund of The Republic of Finland and SkopBank, et al. v. Hyatt Corp.* - Represented foreign government-owned lender, owners and asset manager of resort hotel and condominium project in the United States Virgin Islands in dispute with branded manager of hotel over hotel management contract and termination of manager. Case was resolved on eve of trial with settlement that the client found highly favorable. (District Court of the Virgin Islands)
- *Freeland v. Wilsonart* - Defended manufacturer of countertop laminate and glue against product liability claims of product failure.
- *Fitz-Randolph v. Ralph Wilson Plastics Company, et al.* - Defended manufacturer of countertop laminate and glue against product liability claims of product failure. (D.N.J.)
- *In Re Phillips* - Represented Trustee of a large estate in claims against and brought by former family member. Secured settlement that client found favorable. (Orphans Court, Philadelphia County)

Professional Activities

- International Technology Law Association (formerly Computer Law Association)
 - Executive Committee
 - Treasurer, 2008
 - Secretary, 2007
 - Assistant Secretary, 2006
 - Board of Directors -- present
 - Editor of E-Newsletter
 - Chair, 2003-present
 - Former Vice Chair

- American Bar Association
 - Former Member, Standing Committee on Technology and Information Systems
 - Section of Litigation
 - Intellectual Property Section
 - Science and Technology Section
- Philadelphia Bar Association
 - Business Law Section
 - Executive Committee
 - Secretary, 2007-present
 - Former Chair, Cyberspace and E-Commerce Committee
 - Strategic Planning Committee
 - Former Chair, Technology Subcommittee
 - Former Chair, Technology Advisory Committee
- Adjunct Professor, Cyberlaw, Rutgers School of Law - Camden, 2003
- Appointed Member, Magistrate Judge Merit Selection Panel for the United States District Court for the Eastern District of Pennsylvania, December 2006
- Duane Morris Women's Initiative
 - Co-chair
- Duane Morris Information Technology and Telecom Interdisciplinary Group
 - Marketing Partner

Admissions

- New Jersey
- Pennsylvania
- U.S. District Court for the District of New Jersey
- Supreme Court of Pennsylvania
- Supreme Court of New Jersey
- U.S. Court of Appeals for the First Circuit
- U.S. Court of Appeals for the Third Circuit
- U.S. District Court for the Eastern District of Pennsylvania

Education

- Temple University School of Law, J.D., *magna cum laude*, 1997
- LaSalle University, M.B.A., 1991
- LaSalle University, B.A., Computer Science, 1984

Experience

- Duane Morris LLP
 - Partner, 2005-present
 - Associate, 1997-2004
 - Law Clerk, 1996
- Rutgers University School of Law, Camden, N.J., Adjunct Professor, Cyberlaw, Fall 2003
- Honorable James R. Melinson, United States Chief Magistrate Judge, Eastern District of Pennsylvania, Intern, 1995
- IADC Trial Academy, 2000
- Computer Sciences Corporation
 - Senior Computer Scientist, 1981-1995
- Sperry Univac
 - Computer Programmer, 1980-1981

Civic and Charitable Activities

- Philadelphia Volunteers for the Indigent Program (VIP)
- Attorney (Child Advocate), Support Center for Child Advocates, Philadelphia, PA

Honors and Awards

- Named 2007 BTI Client Service All-Star for "delivering the absolute best client service" (presented to only 148 attorneys nationwide, as nominated by Fortune 1000 clients)
- Voted 2005 Rising Star of lawyers in Pennsylvania
- Recipient of the Philadelphia Bar Association, Business Law Section "Chair of the Year Award" for work chairing the Cyberspace & E-Commerce Committee
- Featured on the ABA's Career Profile web page as a featured Technology and Internet Attorney

Selected Publications

- Quoted, "Not Preparing for E-Discovery Can Be Costly", *The Business Consumer's Advisor*, November 2008
- Co-author, "Massachusetts Extends Compliance Deadline on New Information Security Rules Applying to Unsuspecting Businesses," Duane Morris Alert, November 18, 2008
- Co-author, "ICANN Releases Draft Applicant Guidebook for New Generic Top-Level Domains," Duane Morris Alert, October 30, 2008
- Co-author, "'Red Flag' Identity Theft Rules Apply to Unsuspecting Businesses; FTC Extends Compliance Deadline," Duane Morris Alert, October 30, 2008
- Co-author, "Massachusetts Forces Businesses to Implement Sweeping Information Security Measures by January 1, 2009," Duane Morris Alert, October 14, 2008
- Quoted in *NJ Biz*, "When Business Requires the Service of a Gumshoe", July 23, 2007
- Quoted in *Compliance Reporter*, "Court Widens E-Discovery," July 2, 2007
- Quoted in "Legalities arise, as blogging becomes more widespread," *Philadelphia Business Journal*, October 14, 2005
- Co-author, "Contracts," *Business and Commercial Litigation in Federal Courts*, 2005
- Quoted in *Computer World Magazine*, "E-Mail Exposure - Watch Out! You may be responsible for gremlins in your corporate e-mail", August 8, 2005
- Quoted in *Computer World Magazine*, "What IT Can Do", August 8, 2005
- Quoted in *Computer World Magazine*, "More to Come", August 8, 2005
- Quoted in National Journal's Technology Daily, "Class Action Bill Not a Top Priority for Many Techies", July 16, 2004
- Featured in article "Italian Experts Offer E Commerce View", *Philadelphia Bar Reporter*, May 2002
- Co-author, "Key Elements of an E-commerce Integration Project Contract," *Journal of Internet Law*, February 2003
- Featured in article with United States Attorney Patrick Meehan, *Philadelphia Bar Reporter*, October 2002
- "Key Elements of an E-Commerce Integration Project Contract," *Vibes*, Spring 2001

Selected Speaking Engagements

- Speaker, "Competitive Intelligence and Corporate Espionage", International Technology Law Association (ITechLaw) 2008 Annual European Conference, Barcelona, November 6-7, 2008
- Speaker, "Insights into Key Software License Agreement Issues," Philadelphia Bar Association's Bench Bar Conference, Atlantic City, New Jersey, September 19-21, 2008
- Guest on the CN8 morning show discussing email privacy, Philadelphia, June 3, 2008
- Moderator, "Liability in New Technologies", International Technology Law Association (ITechLaw) 2008 Annual Meeting and World Conference, Las Vegas, April 24-25 2008
- Speaker, "Playing it Safe: Protection of Trade Secrets and Personally Identifiable Information in the 21st Century", Duane Morris Womens' Initiative CLE Seminar, April 16, 2008
- Speaker, "They Said What?! Mitigating E-Discovery Risk by Changing Corporate Culture" Duane Morris, March 17, 2008
- Speaker and Panelist, "An Ounce of Prevention is Worth a Pound of Cure", DELVACCA, Philadelphia, March 5, 2008
- Speaker, "The Integration of Health Networks," Duane Morris, February 2008
- Panel Chair, "New Technologies," ITechLaw's Asian Conference, Mumbai, India, February 7, 2008
- Speaker and Panelist, "Competitive Intelligence, the Sword and the Shield - Protecting Trade Secrets," New Jersey Corporate Counsel Association (NJCCA), December 13, 2007
- Speaker and Course Planner, "Privacy and Security," Pennsylvania Bar Institute, Philadelphia,

- Pennsylvania, November 27, 2007
- Speaker, "IT Litigation, From the Boardroom to the Courthouse: Developing the Case," ITechLaw European Conference, London, November 2, 2007
 - Speaker, "Trade Secrets and the Risks Posed by Technology", Dupont's Intellectual Property Seminar, September 25, 2007
 - Speaker, "E-Discovery Best Practices", Counsel to Counsel Seminar, New York, September 18, 2007
 - Speaker and panelist, "Fact-Finding in Civil Law Countries: Lessons for Simplifying the U.S. Discovery Process," ABA Spring Meeting, May 2, 2007, Washington D.C.
 - Speaker, "Competitive Intelligence, How Far Can You Go?" International Technology Law Association (ITechLaw) 2007 Annual Meeting and World Conference, Chicago, April 26-27, 2007
 - Moderator, "E-Discovery Update," 6th Annual Minority Corporate Counsel Association's CLE Expo, Chicago, March 23, 2007
 - Speaker, "Information Technology Law in the U.S.," Cyberspace Camp for Judges, Bangalore, India, February 10, 2007
 - Speaker, "E-Discovery," Women's Initiative CLE Breakfast Seminar, Duane Morris, February 27, 2007
 - Speaker, "Data Privacy and Security," Temple University, January 30, 2007
 - Speaker, "IT Dispute Resolution - the use and admissibility of expert witness witnesses in US IT/IP disputes", International Technology Law Associations' 2006 European Conference, Prague, November 6-7, 2006
 - Co-presenter, "Hot Topics in E-Commerce Websites," New Jersey Corporate Counsel Association (NJCCA) annual meeting, September 26, 2006
 - Speaker, "Privacy and Data Protection in the U.S.," 2006 World Computer and Internet Law Congress, San Francisco, California, May 4-5, 2006
 - Speaker and Course Planner, "Security and Information Technology," Hot Topics in Privacy and Security, Philadelphia, Pennsylvania, February 16, 2006
 - Speaker, "Information Security Governance, The threats to privacy and security", Computer Law Association European Conference, Stockholm, October 27-28, 2005
 - Panelist, "What You Need to Know About IT Security and Privacy Law," hosted by Navigant, Chicago, June 29-30, 2005
 - Moderator and course planner, "Software Infringement Update," 2005 World Computer and Internet Law Congress, Washington, D.C., May 5-6, 2005
 - Moderator, "Practicing Business Law Program," Philadelphia Bar Association, April 2005.
 - Speaker, "Understanding Cyber Liability," National Business Institute's "Managing Information Risks in Pennsylvania" Seminar, January 2005
 - Speaker, "Consumer and Corporate Privacy Concerns in the Wired World," Pennsylvania Bar Association's "E-Commerce: Legal and Practical Issues" Conference, December 2004
 - "History of Legislative Efforts in Information Technology in the U.S. and the Framework for Current and Pending U.S. information technology laws," European Cyberspace Camp, Amsterdam, November 2004
 - "Understanding Cyber Liability," Managing Information Risks in Pennsylvania, National Business Institute, January 25, 2005
 - "Consumer and Corporate Privacy Concerns in the Wired World," E-Commerce: Legal and Practical Issues, Philadelphia, December 22, 2004
 - "Information Technology in the U.S.," European Cyberspace Camp, Computer Law Association, Amsterdam, November 18-19, 2004
 - "Technology and Employment," Technology Law Forum 2004, Philadelphia, August 19-20, 2004
 - 2004 World Computer and Internet Law Congress, Washington D.C., May 6-7, 2004, course planner
 - "E-Commerce: Legal & Practical Issues," Pennsylvania Bar Institute program, Philadelphia, Pennsylvania, December 16, 2003
 - "Consumer Privacy in the Wired World," Hot Topics in Privacy Law, Pennsylvania Bar Institute program, Philadelphia, Pennsylvania, September 24, 2003
 - "Legal Issues Facing Corporations and Employers As a Result of Advances in Technology," Technology Law Forum 2003, Philadelphia, Pennsylvania, July 23-24, 2003
 - "Liability Associated with Using Online Information," Finding Facts on Line, presented by the Pennsylvania Bar Institute, Philadelphia, Pennsylvania, May 16, 2003
 - "Privacy in the Wired World", E-Commerce Legal and Practical Issues, Pennsylvania Bar Institute, Philadelphia, Pennsylvania, December 2002
 - "Legal Issues Facing Corporations and Employers As a Result of Advances in Technology," Technology Law Forum 2003, Philadelphia, Pennsylvania, August 19-20, 2004
 - "Advanced Issues in IT Law 2002," Computer Law Association Conference, Orlando, Florida, October 3-4, 2002

- "Corporate Compliance Privacy Issues," Hot Topics in Privacy and E-Commerce, program sponsored by the Cyberspace & E-Commerce Committee, Philadelphia Bar Association, Philadelphia, Pennsylvania, July 30, 2002
- "Cyberlaw 2001 Year in Review", Philadelphia Bar Association, January 2002
- "Website Development Agreements," The Computer Law Association's CyberSpace Camp Conference, San Jose, California, March 15-17, 2001
- "Online Commercial Legal Issues," Direct Response E-Mail Marketing Strategies National Conference, New York, New York, October 12, 2000
- "Overview of Legal Developments and Practical Strategies Regarding Privacy and Speech on the Internet at the Direct Response E-Mail Marketing Strategies 2000 Conference," sponsored by the International Quality & Productivity Center, San Francisco, California, May 12, 2000

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