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

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ORDER

AND NOW, this 26th day of September, 2011, upon consideration of the six motions to dismiss filed by Defendants Michael Foods, Inc., Daybreak Foods, Inc., Rose Acre Farms, Inc., Ohio Fresh Eggs, LLC, Hillandale-Gettysburg, L.P., Hillandale Farms, Inc., and Hillandale Farms East, Inc., and United Egg Association, and the Direct Purchaser Plaintiffs' response and the parties' supplemental filings thereto, and for the reasons stated in the accompanying Memorandum, it is hereby ORDERED as follows:

- The Motion to Dismiss Direct Purchaser Second Consolidated Amended
 Complaint as to Defendant Michael Foods, Inc. (Doc. No. 236) is DENIED.
- The Defendant Daybreak Foods, Inc.'s Motion to Dismiss Direct Purchasers' Second Consolidated Amended Class Action Complaint (Doc. No. 233) is DENIED.
- The Motion to Dismiss the Direct Purchasers' Second Consolidated Amended
 Class Action Complaint on Behalf of Defendant Rose Acre Farms, Inc. (Doc. No. 234) is DENIED.
- The Defendant Ohio Fresh Eggs, LLC's Renewed Motion to Dismiss the Direct
 Purchaser Plaintiffs' Second Consolidated Amended Class Action Complaint

(Doc. No. 238) is DENIED.

- 5. The Motion to Dismiss the Direct Purchaser Plaintiffs' Second Consolidated Amended Class Action Complaint on Behalf of Defendants Hillandale-Gettysburg, L.P., Hillandale Farms, Inc., and Hillandale Farms East, Inc. (Doc. No. 240) is GRANTED without prejudice. Plaintiffs may seek leave to file an amended complaint consistent with the terms of the Court's Memorandum.
- 6. The United Egg Association's Motion to Dismiss the Claims Against it in Direct Purchasers' Second Consolidated Amended Class Action Complaint (Doc. No. 232) is GRANTED without prejudice. Plaintiffs may seek leave to file an amended complaint consistent with the terms of the Court's Memorandum.

BY THE COURT:

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