

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

IN RE: DELTA/AIRTRAN BAGGAGE FEE ANTITRUST LITIGATION
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CIVIL ACTION FILE NUMBER 1:09-
md-2089-TCB

ALL CASES

**PLAINTIFFS' MOTION FOR CLASS CERTIFICATION
AND APPOINTMENT OF CLASS COUNSEL**

Plaintiffs hereby move (1) to certify a class (defined below) pursuant to Federal Rule of Civil Procedure 23 and (2) to appoint the interim Co-Lead Counsel and interim Liaison Counsel as permanent Co-Lead Counsel and Liaison Counsel for the class pursuant to Federal Rule of Civil Procedure 23(g)(1).

Plaintiffs' proposed class for which it seeks certification is defined as follows:

All persons or entities in the United States and its territories that directly paid Delta and/or AirTran one or more first bag fees on domestic flights from December 5, 2008 through the present (and continuing until the effects of Delta's and AirTran's anticompetitive conspiracy ceases).

As set forth in the Plaintiffs' Memorandum of Law in Support of Class Certification and Appointment of Class Counsel ("Memorandum"), this case is appropriate for class treatment under Rule 23(a) and (b)(2)-(3).

Moreover, interim Co-Lead Counsel and interim Liaison Counsel should be appointed as permanent Co-Lead Counsel and Liaison Counsel. This Court has previously concluded that these counsel possess the requisite expertise and resources to litigate this case (Order, Dkt. # 48), and these counsel have been actively litigating this case since their appointment.

/s David H. Flint
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Dated: June 30, 2010

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CERTIFICATION UNDER L.R. 7.1D

Pursuant to Northern District of Georgia Local Rule 7.1D, the undersigned hereby certifies that the above and foregoing is a computer document prepared in times new roman (14 point) font in accordance with Local Rule 5.1B.

So certified, this 30th day of June, 2010.

/s/Elizabeth L. Fite

David H. Flint

Georgia Bar No. 264600

Elizabeth L. Fite

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Liaison Counsel for Plaintiffs

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CERTIFICATE OF SERVICE

The undersigned counsel certifies that on this day the MOTION FOR CLASS CERTIFICATION AND APPOINTMENT OF CLASS COUNSEL was electronically filed with the Clerk of Court using the CM/ECF system which will automatically send email notification to all counsel of record who have appeared in this matter.

This 30th day of June, 2010.

/s/ Elizabeth L. Fite
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