

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

IN RE CHOCOLATE
CONFECTIONARY ANTITRUST
LITIGATION

THIS DOCUMENT APPLIES TO: ALL
INDIRECT PURCHASER FOR
RESALE PLAINTIFFS

MDL DOCKET NO. 1935
(Civil Action No. 1:08-MDL-1935)

(Judge Conner)

ELECTRONICALLY FILED

**INDIRECT PURCHASER FOR RESALE PLAINTIFFS'
MOTION FOR CLASS CERTIFICATION**

Pursuant to Federal Rule of Civil Procedure 23, the Indirect Purchaser for Resale Plaintiffs (“IPR Plaintiffs”) hereby move this Court for an Order certifying this action as a class action. IPR Plaintiffs respectfully request that the Court certify the following Class:

All persons and entities in the vend, convenience and grocery industries, operating in Arizona, California, Florida, Iowa, Kansas, Michigan, Minnesota, Nebraska, North Carolina, North Dakota, South Dakota, Tennessee, and Wisconsin who indirectly purchased for resale any Defendant’s standard (“Single”) and King size (“King”)

single serve chocolate candy from a Direct Purchaser at any time between December 9, 2002 through December 20, 2007 (the "Class Period"). The class does not include: (1) defendants; (2) defendants' parents, subsidiaries, or affiliates; (3) any governmental entities; (4) any co-conspirators; or (5) any judicial officer to whom this case is assigned.

As set forth in IPR Plaintiffs' Memorandum of Law, the proposed Class meets the requirements for class certification under Rule 26(a) and Rule 23(b)(3) of the Federal Rules of Civil Procedure.

Dated: May 1, 2013

Respectfully submitted,

/s/ Bernice Conn

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