

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

IN RE: CHOCOLATE : **MDL DOCKET NO. 1935**
CONFECTIONARY ANTITRUST : **(Civil Action No. 1:08-MDL-1935)**
LITIGATION :
_____ : **(Judge Conner)**
:
THIS DOCUMENT APPLIES TO: :
:
ALL CASES :

CASE MANAGEMENT ORDER NO. 12
RE: REVISED SCHEDULE FOR CLASS CERTIFICATION AND MERITS
DISCOVERY

AND NOW, this 5th day of April, 2010, upon consideration of the joint status report (Doc. 769) dated March 26, 2010, and of the interim status conference held on April 2, 2010, and it appearing that the parties “jointly request a revision of the [discovery and class certification] schedule,” (*id.* at 1), extending the substantial completion date for document discovery by two months, and extending all other dates, it is hereby ORDERED that the class certification and merits discovery deadlines set forth in Case Management Order No. 11 (Doc. 693) are AMENDED as follows:

1. **DOCUMENT DISCOVERY.** The parties shall make their best efforts to ensure that document production is substantially completed by July 1, 2010.
2. **DIRECT PURCHASER PLAINTIFFS’ CLASS CERTIFICATION BRIEFING, EXPERT REPORTS & HEARING ON CLASS CERTIFICATION.**
 - a. **Briefing Schedule & Length of Briefs.** The following schedule shall govern briefing on the Direct Purchaser Plaintiffs’ motion for class certification:

- i. Direct Purchaser Plaintiffs shall file a motion and supporting brief on or before December 1, 2010. The brief in support of the motion shall not exceed 60 pages in length.
 - ii. Defendants shall file a brief in opposition to the motion on or before February 1, 2011. The brief in opposition shall not exceed 60 pages in length.
 - iii. Direct Purchaser Plaintiffs may file a reply brief on or before April 1, 2011. The reply brief shall not exceed 30 pages in length.
- b. **Direct Purchaser Plaintiffs' Expert Reports & Depositions.** The following schedule shall govern the production of expert reports and any subsequent depositions.
 - i. Direct Purchaser Plaintiffs shall disclose expert reports in support of the motion for class certification on or before December 1, 2010.
 - ii. Defendants may depose Direct Purchaser Plaintiffs' expert(s) on or before January 10, 2011.
 - iii. Defendants shall disclose expert reports in support of the brief in opposition to Direct Purchaser Plaintiffs' motion for class certification on or before February 1, 2011.
 - iv. Direct Purchaser Plaintiffs may depose defendants' expert(s) on or before March 1, 2011.
- c. **Hearing on Direct Purchaser Plaintiffs' Motion for Class Certification.** The court shall conduct a hearing on the motion for class certification of the Direct Purchaser Plaintiffs beginning April 27, 2011.
- d. **Summary Judgment.** A schedule governing briefing for summary judgment shall issue by future order of court.

3. **INDIRECT PURCHASER FOR RESALE PLAINTIFFS' CLASS CERTIFICATION BRIEFING, EXPERT REPORTS & HEARING ON CLASS CERTIFICATION.**

- a. **Briefing Schedule & Length of Briefs.** The following schedule shall govern briefing on the Indirect Purchaser for Resale Plaintiffs' motion for class certification:
- i. The Indirect Purchaser for Resale Plaintiffs shall file a motion and supporting brief on or before August 1, 2011. The brief in support of the motion shall not exceed 60 pages in length.
 - ii. Defendants shall file a brief in opposition to the motion on or before October 3, 2011. The brief in opposition shall not exceed 60 pages in length.
 - iii. The Indirect Purchaser for Resale Plaintiffs may file a reply brief on or before December 2, 2011. The reply brief shall not exceed 30 pages in length.
- b. **Indirect Purchaser for Resale Plaintiffs' Expert Reports & Depositions.** The following schedule shall govern the production of expert reports and any subsequent depositions.
- i. The Indirect Purchaser for Resale Plaintiffs shall disclose expert reports in support of the motion for class certification on or before August 1, 2011.
 - ii. Defendants may depose the Indirect Purchasers for Resale Plaintiffs' expert(s) on or before September 1, 2011.
 - iii. Defendants shall disclose expert reports in support of the brief in opposition to the Indirect Purchaser for Resale Plaintiffs' motion for class certification on or before October 3, 2011.
 - iv. The Indirect Purchaser for Resale Plaintiffs may depose defendants' expert(s) on or before November 1, 2011.

- c. **Hearing on the Indirect Purchaser for Resale Plaintiffs' Motion for Class Certification.** The court shall conduct a hearing on the motion for class certification of the Indirect Purchaser for Resale Plaintiffs beginning January 9, 2012.
 - d. **Summary Judgment.** A schedule governing briefing for summary judgment shall issue by future order of court.
4. **INDIRECT END USER PLAINTIFFS' CLASS CERTIFICATION BRIEFING, EXPERT REPORTS & HEARING ON CLASS CERTIFICATION.** Class certification briefing and the disclosure of expert reports pertaining to the Indirect End User Plaintiffs' motion for class certification shall commence ninety (90) days after the court issues a summary judgment order in the Direct Purchaser Plaintiffs' action. A schedule governing these matters shall issue by future order of court.
5. **INDIVIDUAL PLAINTIFFS' SUMMARY JUDGMENT BRIEFING SCHEDULE.** An order setting forth a briefing schedule for Rule 56 motions on the Individual Plaintiffs' action shall issue following the court's order on class certification in the Direct Purchaser Plaintiffs' action.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge