

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

IN RE: READY-MIXED CONCRETE)
ANTITRUST LITIGATION)
)
_____))
)
THIS DOCUMENT RELATES TO:)
ALL ACTIONS)
)

Master Docket No.
1:05-cv-979- SEB-JMS

ORDER DENYING MOTIONS TO RECONSIDER

The Court, having considered the non-settling defendants' motions to reconsider and to vacate the Court's orders granting preliminary approval to settlement agreements and certifying settlement classes as to American Concrete and Shelby Gravel, and being duly advised in the premises, hereby DENIES those motions for the reasons that the Court's orders granting preliminary approval to the settlement classes did not endorse any evidence or argument that would preempt the movants' claims or interests opposing certification of the litigation class and will not serve to preclude any other challenge(s) to the litigation class which they may choose to assert when that matter is fully submitted to the Court for a ruling. Further, as non-settling defendants, they have failed to establish that they stand to suffer any plain legal prejudice stemming from the preliminary approval of the settlement classes, and thus they lack standing to object. The motions to reconsider (Docket Nos. 455 and 456) are, accordingly, DENIED.

IT IS SO ORDERED.

Date: 01/15/2008



SARAH EVANS BARKER, JUDGE
United States District Court
Southern District of Indiana

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