

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

In re Wholesale Grocery Products
Antitrust Litigation

PRETRIAL SCHEDULING ORDER

Court File No. 09-MD-2090 ADM/AJB

This Order Relates to All Actions

Pursuant to Rule 16 of the Federal Rules of Civil Procedure and the Local Rules of this Court, and in order to secure the just, speedy, and inexpensive determination of this action, the following schedule shall govern this proceeding. The schedule may be modified only upon formal motion and a showing of good cause as required by Local Rule 16.3.

1. Discovery/Non-Dispositive Motions

a. All motions which seek to amend the pleadings or add parties must be served by January 17, 2011.

b. All discovery shall be commenced in time to be completed by November 15, 2011.

c. No more than 25 interrogatories, including all discrete subparts, shall be served by any party.

d. No more than 25 requests for admission shall be served by any party.

e. No more than 60 document requests shall be served by any party.
Additionally, the following time limitations shall apply:

(i) Defendants shall not serve a document request for any document created outside of the time period between January 1, 2002 and December 31, 2008.

(ii) Plaintiffs shall not serve a document request for any document created outside of the time period between January 1, 2002 and December 31, 2008, except that Plaintiffs may request documents relating to (1) product sales, (2) profit margins, (3) prices, and (4) the relevant market, including market shares, created during the following time periods: January 1, 2001 to January 1, 2002 and December 31, 2008 to December 31, 2009.

f. No more than 26 factual depositions shall be taken by any party.

g. The motion for class certification and supporting documents shall be served by April 15, 2011. Any documents in opposition to the motion shall be served by June 30, 2011. Any documents in reply to the opposition documents shall be served by August 15, 2011.

h. Except as discussed above, all nondispositive motions and supporting documents, including those which relate to fact discovery, shall be served by December 1, 2011. Nondispositive motions may be scheduled for hearing by calling Gertie Simon, Calendar Clerk to Judge Ann D. Montgomery, (612) 664-5093. All nondispositive motions shall be scheduled, filed, and served in compliance with Local Rules 7.1, 37.1, and 37.2.

2. Expert Disclosure and Discovery, Dispositive Motions, Trial.

The Court reserves the scheduling of expert disclosure and discovery, dispositive motions, and trial until after a decision has been made regarding class certification.

BY THE COURT:

s/Ann D. Montgomery
ANN D. MONTGOMERY
U.S. DISTRICT JUDGE

Dated: October 19, 2010.