

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

In re Wholesale Grocery Products
Antitrust Litigation

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

This Order Relates to All Actions

Richard B. Drubel, Esq., Anne M. Nardacci, Esq., and Kimberly H. Schultz, Esq., Boies, Schiller & Flexner LLP, Hanover, NH and Albany, NY; Joel C. Meredith, Esq., Steven J. Greenfogel, Esq., and Daniel B. Allanoff, Esq., Meredith Cohen Greenfogel & Skirnick, PC, Philadelphia, PA; Daniel Kotchen, Esq., and Daniel Low, Esq., Kotchen & Low LLP, Washington, DC; and Elizabeth R. Odette, Esq., and W. Joseph Bruckner, Esq., Lockridge, Grindal, Nauen, PLLP, Minneapolis, MN, on behalf of Plaintiffs.

Stephen P. Safranski, Esq., Heather M. McElroy, Esq., Martin R. Lueck, Esq., K. Craig Wildfang, Esq., Jennifer G. Daugherty, Esq., James S. Harrington, Esq., E. Casey Beckett, Esq., and Damien A. Riehl, Esq., Robins, Kaplan, Miller & Ciresi, LLP, Minneapolis, MN and Boston, MA, and Gordon J. MacDonald, Esq., Nixon Peabody LLP, Manchester, NH, on behalf of Defendant SuperValu, Inc.

Charles A. Loughlin, Esq., Christopher J. MacAvoy, Esq., and David S. Shotlander, Baker Botts LLP, Washington, DC; Nicole M. Moen, Esq., and Todd A. Wind, Esq., Fredrikson & Byron, PA, Minneapolis, MN, on behalf of Defendant C&S Wholesale Grocers, Inc.

This matter is before the undersigned United States District Judge for consideration of Plaintiffs' Motion for Extension of Time to Appeal Order Pursuant to Fed. R. App. P. 4(a) [Docket No. 165]. The Court issued an Order [Docket No. 141] dated July 5, 2011 dismissing the claims of a group of Plaintiffs referred to as the "Arbitration Plaintiffs." These Plaintiffs seek to appeal that Order. Also pending before the Court is the Plaintiffs' Motion for Entry of Judgment under Rule 54(b) [Docket No. 161], whereby the Arbitration Plaintiffs seek entry of judgment against them in order to make their appeal. The Arbitration Plaintiffs represent that the present motion is merely a cautionary measure aimed at preserving their rights to the fullest extent possible in seeking their appeal. The Court grants the motion.

Based upon all the files, records, and proceedings herein, **IT IS HEREBY ORDERED**

that:

1. Plaintiffs' Motion for Extension of Time to Appeal Order Pursuant to Fed. R. App. P. 4(a) [Docket No. 165] is **GRANTED**; and

2. In the event Plaintiffs' Motion for Entry of Judgment under Rule 54(b) [Docket No. 161] is granted, the Arbitration Plaintiffs shall have thirty days from the date of entry of judgment to file their notice of appeal. In the event that Plaintiffs' Motion for Entry of Judgment under Rule 54(b) is denied, the Arbitration Plaintiffs shall have thirty days from the date of entry of judgment in their respective actions as contemplated by the Federal Rules of Civil Procedure to file their notice of appeal.

BY THE COURT:

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

Dated: August 4, 2011.