

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

IN RE: FRESH AND PROCESS
POTATOES ANTITRUST
LITIGATION

Case No. 4:10-MD-2186-BLW

**ORDER AND NOTICE OF
HEARING**

In order to further the efficient administration of this matter, the Court will conduct a case management conference. Prior to the conference, counsel shall meet and confer with one another and submit a proposed case management order to the Court no less than 7 days before the conference. To the extent the parties cannot agree on a proposed case management order, the parties shall submit a statement explaining their positions, and reasons for their positions, on disputed issues.

The proposed case management order should also address class certification issues. In dealing with class actions in the past, this Court has sometimes issued an initial case management order dealing primarily with class certification issues. The Court then conducts a second case management conference and issues a second case management order after class certification issues are resolved. The parties may want to discuss this option, as well as other options for staged case management in this matter.

ORDER AND NOTICE OF HEARING - 1

Counsel shall also be prepared to discuss the following items at the conference:

1. The status of service of process and the filing of answers and/or motions to dismiss;
2. The nature and potential dimensions of the litigation;
3. The major procedural and substantive problems likely to be encountered;
4. Procedures for efficient management of the case;
5. Procedures which will reduce the complexity, expense and cost of litigation in this case; and
6. Organization of plaintiffs' counsel.

Counsel are also invited to submit proposed agenda items for discussion at the conference. Counsel shall submit their proposed agenda items to the Court no less than 5 days before the scheduling conference.

The Court desires to aggressively manage this case so as to reduce expense and ensure that all proceedings proceed as expeditiously as possible. The Court is aware, however, that we are in a state of flux, since additional cases have recently been added to the list of cases transferred to this Court by the MDL panel. Mindful of the need to proceed as expeditiously as possible, the Court would be receptive to conducting an interim telephone conference call with counsel to discuss the status of the case prior to the case management conference, so long as a manageable conference call, with fair representation from all parties, can be arranged. If counsel agrees that such a conference

call would be advisable, they may contact Jeff Severson, the Court's Law Clerk assigned to this case, at (208)334-9145.

ORDER

IT IS ORDERED:

1. An in person Case Management Conference is scheduled for **December 14, 2010 at 3:00 p.m.** in the Federal Courthouse in **Boise, Idaho.**

DATED: **November 12, 2010**



B. Lynn Winmill

B. LYNN WINMILL
Chief U.S. District Court Judge