

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

IN RE: READY-MIXED CONCRETE)	Master Docket No.
ANTITRUST LITIGATION,)	1:05-cv-00979-SEB-JMS
THIS DOCUMENT RELATES TO:)	
ALL ACTIONS)	
)	

**ORDER APPROVING STIPULATION OF
SETTLEMENT CLASS COUNSEL AND DUKE CONSTRUCTION CONCERNING
MOTION TO RECONSIDER COURT'S ORDER OF MARCH 31, 2009**

The Court having received and considered the Stipulation of Settlement Class Counsel and Duke Construction (“Duke”) Concerning Motion to Reconsider Court’s Order of March 31, 2009 (“Stipulation”), and being duly advised, now finds that the Stipulation should be approved and the terms thereof entered as an order of this Court.

IT IS THEREFORE ORDERED by this Court as follows:

1. The Stipulation of Settlement Class Counsel and Duke is hereby approved.
2. Duke shall be permitted to file, within 45 days after the Court’s approval of this Stipulation, an objection limited to the amount of attorneys’ fees and reimbursed expenses requested by Settlement Class Counsel in Plaintiffs’ Motion for Approval of Proposed Plan of Distribution of Settlement Funds, Award of Attorneys’ Fees and Expenses, and Award of Class Representatives’ Incentive Fee (Doc. 722) (“Distribution Motion”) and awarded by the Court in its March 31, 2009 Order granting the Distribution Motion (“Distribution Order”) (Doc. 732). Settlement Class Counsel shall file a response to Duke’s objection within 10 days after the filing of the objection.

3. Neither Duke nor Settlement Class Counsel shall appeal or seek reconsideration of the Court's ruling on Duke's objection to the current Distribution Motion, and each hereby waives their right to seek such an appeal or reconsideration, if any. The Stipulation is without prejudice to Duke's right, if any, to make any appropriate objections to, and appeal from, any future fee awards.

4. Duke's Motion to Reconsider Order Granting Plaintiffs' Motion for Award of Attorneys' Fees and Reimbursement of Expenses (Doc. 733) is hereby deemed moot.

SO ORDERED.

Date: 10/19/2009



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

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