

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TRANSHORN, LTD., On Behalf of Itself and
All Others Similarly Situated,

Plaintiff,

-vs.-

UNITED TECHNOLOGIES
CORPORATION, OTIS ELEVATOR CO.,
KONE CORPORATION, KONE INC.,
SCHINDLER HOLDING LTD.,
SCHINDLER ELEVATOR CORPORATION,
THYSSENKRUPP AG and THYSSEN
ELEVATOR CAPITAL CORP.,

Defendants.

1775 HOUSING ASSOCIATES, On Behalf of
Itself and All Others Similarly Situated,

Plaintiff,

-vs.-

UNITED TECHNOLOGIES
CORPORATION, OTIS ELEVATOR CO.,
KONE CORPORATION, KONE INC.,
SCHINDLER HOLDING LTD.,
SCHINDLER ELEVATOR CORPORATION,
THYSSENKRUPP AG and THYSSEN
ELEVATOR CAPITAL CORP.,

Defendants.

(Additional Case Captions are on Following Pages)

Griesa, J.

Civil Action No. 04 CV 01178 (TPG) (e-filed)

**[PROPOSED] ORDER OF
CONSOLIDATION AND
APPOINTMENT OF INTERIM
LEAD CLASS COUNSEL**

Civil Action No. 04 CV 02785 (MGC)

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 8/27/04

TRIANGLE HOUSING ASSOCIATES, L.P.,
On Behalf of Itself and All Others Similarly
Situated,

Civil Action No. 04 CV 02786 (RO)

Plaintiff,

-vs.-

UNITED TECHNOLOGIES
CORPORATION, OTIS ELEVATOR CO.,
KONE CORPORATION, KONE INC.,
SCHINDLER HOLDING LTD.,
SCHINDLER ELEVATOR CORPORATION,
THYSSENKRUPP AG and THYSSEN
ELEVATOR CAPITAL CORP.,

Defendants.

ROCHDALE VILLAGE, INC., On Behalf of
Itself and All Others Similarly Situated,

Civil Action No. 04 CV 03225 (TPG) (e-filed)

Plaintiff,

-vs.-

UNITED TECHNOLOGIES
CORPORATION, OTIS ELEVATOR CO.,
KONE CORPORATION, KONE INC.,
SCHINDLER HOLDING LTD.,
SCHINDLER ELEVATOR CORPORATION,
THYSSENKRUPP AG and THYSSEN
ELEVATOR CAPITAL CORP.,

Defendants.

(Additional Case Captions are on Following Page)

BRIMINGHAM BUILDING TRADES
TOWERS, INC., On Behalf of Itself and All
Others Similarly Situated,

Civil Action No. 04 CV 03229 (TPG) (e-filed)

Plaintiff,

-vs.-

UNITED TECHNOLOGIES CORPORATION,
OTIS ELEVATOR CO., KONE
CORPORATION, KONE INC., SCHINDLER
HOLDING LTD., SCHINDLER ELEVATOR
CORPORATION, THYSSENKRUPP AG and
THYSSEN ELEVATOR CAPITAL CORP.,

Defendants.

RIVERBAY CORPORATION, On Behalf of
Itself and All Others Similarly Situated,

Civil Action No. 04 CV 03308 (TPG) (e-filed)

Plaintiff,

-vs.-

UNITED TECHNOLOGIES CORPORATION,
OTIS ELEVATOR CO., KONE
CORPORATION, KONE INC., SCHINDLER
HOLDING LTD., SCHINDLER ELEVATOR
CORPORATION, THYSSENKRUPP AG and
THYSSEN ELEVATOR CAPITAL CORP.,

Defendants.

Upon the joint motion of plaintiff 1775 Housing Associates in civil action number 04 CV 02785 (MCG), plaintiff Triangle Housing Associates, L.P. in civil action number 04 CV 02786 (RO), plaintiff Rochdale Village, Inc. in civil action number 04 CV 03225 (TPG), and

plaintiff Riverbay Corp. in civil action number 04 CV 03308 (TPG) for (1) consolidation of each of the related actions listed in the captions together with any subsequent related cases filed in or removed or transferred to this Court, and for (2) appointment of interim lead class counsel for the plaintiffs in the consolidated actions, and it appearing to the Court that consolidation of these and subsequent related cases is appropriate in light of the common questions of law and fact they present, and it appearing that the appointment of interim lead class counsel is necessary to the efficient administration of these cases, it is hereby

ORDERED, that the above captioned actions are consolidated for all purposes including, but not limited to, discovery, pretrial proceedings, and trial proceedings, pursuant to Rule 42(a) of the Federal Rules of Civil Procedure; and it is

ORDERED, that the actions referred to above shall be and hereby are consolidated under the following caption and Master Docket number:

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

In re Elevator Antitrust Litigation.

Master Docket No. 1:04-cv-01178-TPG

and it is

ORDERED, that the other cases referred to in the captions, bearing index numbers 04 CV 02785 (MCG); 04 CV 02786 (RO); 04 CV 03225 (TPG); 04 CV 03229; and 04 CV 03308 (TPG) shall be administratively closed and all papers in these cases shall be filed in docket 04 CV 01178; and it is

ORDERED, that the clerk shall file a copy of this Order in each of the actions referred to in the caption, and no further proceedings of any sort shall take place in those closed actions, subject to further order of this Court; and it is

ORDERED, that any additional antitrust class actions subsequently filed in or removed or transferred to this District which arise out of related facts and claims as alleged in these consolidated actions shall be subject to this Order, and shall be consolidated with this consolidated action under the above-stated caption and Master Docket Number for all purposes if, as, and when the Court is apprised of them; and it is

ORDERED, that should any additional action related to this consolidated action subsequently be filed in or removed or transferred to this District, Interim Lead Class Counsel shall notify the parties to that additional action of the existence of this Order and shall deliver to them a copy of this Order, and each party to such additional action shall then have ten (10) days after service of such notice and copy of this Order to serve and file in this Court any objections stating why such additional action should not be consolidated with these actions; and it is

ORDERED, that Interim Lead Class Counsel shall notify the Court of any other action which is pending or filed outside of this district which may be related to the subject matter of these consolidated actions if and when they become aware of such actions; and it is

ORDERED, that Wolf Haldenstein Adler Freeman & Herz LLP is hereby appointed as Interim Lead Class Counsel for the putative plaintiff class(es) in all proposed consolidated actions, pursuant to Rule 23(g)(2)(A) of the Federal Rules of Civil Procedure, and shall be responsible for the prosecution and resolution of all claims asserted, or which may be asserted, in the Elevator Antitrust Litigation, and if it deems it appropriate, shall make work assignments with a view to efficiently utilizing the resources of other plaintiffs' counsel in light

of the experience of the individual attorneys and the size and complexity of the litigation, and to avoid unnecessary duplication of effort; and it is

ORDERED, that no papers shall be served, and no proceedings, process or other procedures shall be commenced or initiated, on plaintiffs' behalf in this consolidated action except by or through Interim Lead Class Counsel;

FURTHER ORDERED, that Interim Lead Class Counsel shall specifically assume the following duties and responsibilities on behalf of plaintiffs with respect to the Elevator Antitrust Litigation:

(a) direct, and execute on behalf of plaintiffs, all pleadings and other filings with the Court;

(b) direct the briefing and argument of all motions;

(c) direct the conduct of discovery proceedings including, among other things, the scheduling and examination of witnesses in depositions;

(d) direct the selection of counsel to act as spokespersons with the Court;

(e) accept service of papers for all plaintiffs with respect to any document served by defendants;

(f) call meetings of plaintiffs as they deem necessary and appropriate from time to time and to distribute to all plaintiffs copies of motions, orders, and decisions of the Court, where appropriate, and to maintain up-to-date service lists, to be made available to the Court;

(g) direct and conduct all settlement negotiations;

(h) direct and conduct all pretrial proceedings, trial preparation, trials and post-trial proceedings, and delegate work responsibilities to selected counsel as may be required;

(i) collect time records from plaintiffs' counsel; and

(j) supervise any other matters concerning the prosecution or resolution of the above-captioned litigation and otherwise manage the prosecution of any claims asserted in the Elevator Antitrust Litigation.

Dated: Aug. 27, 2004



Thomas P. Gressa

U. S. D. J.

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