

GRISIAS

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE ELEVATOR ANTITRUST
LITIGATION

O4 CV 01178 (TPG)
PROPOSED ORDER
REGARDING CONSOLIDATION,
FILING A CONSOLIDATION
COMPLAINT AND ADDITION
TO ORGANIZATION

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D.F. CHASE, INC., on behalf of itself and all
Others similarly situated,

O4 CV 03569 (TPG)

Plaintiff,

-against-

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

Defendants.

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(Additional case captions are on the following page)

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ELECTRONICALLY FILED
DOC #:
DATE FILED: 9/23/04

MOUNTAIN BAY CONSTRUCTION
and 435 PACIFIC INC., on behalf of themselves

Plaintiffs,

-against-

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

Defendants.

04 CV 03857 (TPG)

TOWERS OF CORAL SPRINGS LTD.,
181 MAPLE AVENUE ASSOCIATES, and
LENOE ROAD ASSOCIATES, on behalf of
Themselves and all others similarly situated v.

-against-

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

04 CV. 03963 (TPG)

(Additional case captions are on the following page)

OLEN COMMERCIAL REALTY CORPORATION, on behalf of itself and all others similarly situated,

Plaintiff,

-against-

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

Defendants.

04 CV 05662 (TPG)

BAY CREST CONDOMINIUM ASSOCIATION, on behalf of itself and all Others similarly situated,

Plaintiff,

-against-

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

Defendants.

04 CV 05663 (TPG)

WHEREAS, by Order dated August 27, 2004 ("Order") this Court consolidated certain related cases pending before the Court as of April 30, 2004 into In re Elevator Antitrust Litigation (04 Civ. 01178 (TPG)); and

WHEREAS, between April 30, 2004, and the date of the Order, five additional related cases were commenced before this Court, which cases are listed individually in the caption above; and

WHEREAS, those additional related cases should be consolidated into In re Elevator Antitrust Litigation, and a schedule established for the filing of a consolidating complaint and responses thereto, and

WHEREAS, Plaintiffs' counsel have agreed that in view of the nationwide (and international) scope of this case and the addition of related cases, a co-lead counsel would be assisting in the efficient staffing of this case.

It is hereby Ordered, as follows:

1. The cases referred to in the caption bearing index numbers 04 CV. 03569 (TPG); 04 CV. 03857 (TPG); 04 CV. 03963 (TPG); 04 CV. 05662 (TPG); and 04 CV. 05663 (TPG) are consolidated for all purposes including, but not limited to, discovery, pretrial proceeding and trial proceeding, pursuant to Rule 42(a) of the Federal Rules of Civil Procedure, into In re Elevator Antitrust Litigation, 04 CV. 01178 (TPG).
2. The cases referred to in the caption, bearing index number 04 CIV. 03569 (TPG); 04 CV. 03857(TPG), 04 CV. 05662 (TPG); and 04 CV. 05663 (TPG), shall be administratively closed and all papers shall be filed in 04 CV. 01178;
3. The clerk shall file a copy of this Order in the docket of each of the actions referred to in paragraph 1, and no further proceedings of any sort shall take place in the closed actions, subject to for the order of this Court.

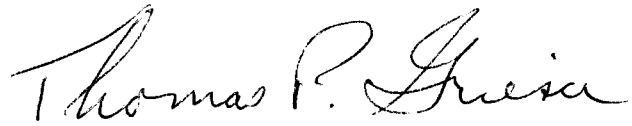
4. Plaintiffs in the consolidated actions shall file and serve a Consolidated Complaint on or before November 1, 2004 in *In re Elevator Antitrust Litigation*, No. 04CV. 01178 (TPG) (S.D.N.Y.).


5. The time within which Defendants United Technologies Corporation, Otis Elevator Company, Kone Corporation, Kone Inc., Schindler Holding Ltd., Schindler Elevator Corporation, Thyssenkrupp AG, Thyssenkrupp Elevator Corporation, and Thyssen Elevator Capital Corporation have to appear, answer, move, or otherwise respond to the Consolidated Complaint be, and hereby is, extended to and including December 15, 2004. No defendant shall have any obligation to answer, move, or otherwise plead with respect to any complaint in the above-captioned actions other than the Consolidated Complaint.

6. This order shall not have the effect of making any defendant a party to an action in which it has not been named, served, or added in accordance with the Federal Rules of Civil Procedure. The parties have not waived their rights with respect to any potential issue in this litigation, including, but not limited to, the assertion of jurisdictional defenses either by motion or otherwise.

7. Lerach, Coughlin, Stoia, Geller, Rudman & Robbins, is hereby appointed additional interim co-lead class counsel, with Wolf Haldenstein Adler Freeman & Herz, which latter firm shall be liaison counsel to the Court.

So Ordered:



U.S.A.S. 

September 16, 2004

WOLF HALDENSTEIN ADLER FREEMAN & HERZ LLP

ELEVATORS SERVICE LIST

James G. Stranch, III
C. Dewey Branstetter, Jr.
Branstetter, Kilgore, Stanch & Jennings
227 Second Avenue, North, 4th Floor
Nashville, TN 37201-1631
615-254-8801
615-255-5419 (fax)

Curtis V. Trinko
Law Offices of Curtis V. Trinko LLP
16 West 46th Street, Seventh Floor
New York, NY 10036
212-490-9550
212-986-0158 (fax)

Brian J. Robbins
Robbins Umeda & Fink, LLP
1010 Second Avenue, Suite 2360
San Diego, CA 92101
619-525-3990
619-525-3991 (fax)

Mary Jane Fait
Wolf Haldenstein Adler Freeman
& Herz, LLC
656 West Randolph Street, Suite 500W
Chicago, IL 60661
312-466-9200
312-466-9292 (fax)

Nadeem Faruqi
Antonio Vozzolo
Beth A. Keller
Faruqi & Faruqi, LLP
320 East 39th Street, 3rd Floor
New York, NY 10016
212-983-9330
212-983-9331 (fax)

Mark Solomon
Bonny E. Sweeney
Willaim J. Doyle II
Lerach Coughlin Stoia & Robbins LLP
401 B Street, Suite 1700
San Diego, CA 92101-4297
619-231-1058
619-231-7423 (fax)

Joe R. Whatley, Jr.
Glenn M. Connor
Whatley Drake, LLC
2323 Second Avenue North
Birmingham, AL 35203
205-328-9576
205-328-9669 (fax)

Lester L. Levy, Sr.
Wolf Popper LLP
845 Third Avenue
New York, NY 10022
212-759-4600
212-486-2093

Mager White & Goldstein
165 Township Line Road
Suite 2400
Jenkintown, Pennsylvania 19046
215-481-0273