

**UNITED STATES DISTRICT COURT**

**DISTRICT OF MAINE**

In re: **COMPACT DISC MINIMUM** )  
**ADVERTISED PRICE ANTITRUST** ) **MDL Docket No. 1361**  
**LITIGATION** ) **Judge D. Brock Hornby**  
)  
) **This document applies to:**  
) **All cases**  
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**REVISED SCHEDULING ORDER**

Pursuant to discussion with the parties at the pretrial conference on May 8, 2001, I have adopted the parties' joint Revised Scheduling Order. Paragraphs 4–6 of the February 15, 2001 Scheduling Order are modified as set forth below in order to coordinate proceedings in the Roy Action (*Roy et al. v. Sony Music Entertainment Inc. et al.*, original docket 00-CIV-6065 (S.D.N.Y.)) with the previously established schedule for discovery and other pretrial proceedings. Paragraphs 7–11 of the February 15, 2001 Scheduling Order, without modification, shall apply equally to the Roy Plaintiffs and are therefore reprinted below for ease of reference.

- 4. Discovery of Private Plaintiffs (including written discovery and depositions on class and merits issues)
  - (c) Written discovery addressed to Roy Plaintiffs shall be served within 7 calendar days of service of the Roy Plaintiffs' motion for class certification as provided in paragraph 6(a) of this Order.
  - (d) Responses by Roy Plaintiffs to requests for written discovery shall be served no later than July 6, 2001.

- (e) Anticipated completion of discovery of Roy Private Plaintiffs: July 31, 2001

5. Supplemental Document Discovery of Distributor Defendants

- (a) Requests by Plaintiffs (other than Roy Plaintiffs) were served May 4, 2001.
- (b) Requests by Roy Plaintiffs were served May 23, 2001.
- (c) Rolling production shall be completed by September 30, 2001.

6. Class Certification

- (a) The Roy Plaintiffs' motion for class certification was served May 29, 2001.
- (b) The Private Plaintiffs and the Roy Plaintiffs will each file expert affidavit(s) in support of their separate class certification motions on or before August 24, 2001.
- (c) Depositions of the plaintiffs' class experts and depositions of any necessary fact witnesses (other than the plaintiffs) on class issues shall be completed as follows: Roy Plaintiffs' class experts and any necessary fact witnesses by October 8, 2001; Private Plaintiffs' class experts and any necessary fact witnesses by October 22, 2001. Upon reasonable notice, in order to avoid duplicative appearances, individual fact witnesses noticed for class depositions may also be deposed on merits issues.
- (d) Defendants' opposition to the Roy Plaintiffs' class certification motion, including expert affidavits, if any, shall be filed by October 15, 2001.
- (e) Defendants' opposition to the (non-Roy) Private Plaintiffs' class certification motion, including expert affidavits, if any, shall be filed by October 29, 2001.
- (f) Depositions of defendants' class expert(s) shall be completed by November 21, 2001.
- (g) The Private Plaintiffs' and Roy Plaintiffs' reply briefs, including expert affidavits, if any, (providing that if leave of Court is required for the filing of expert affidavits, such leave has been granted) shall be filed by November 30, 2001.

- (h) Hearings on plaintiffs' class certification motions are requested and shall be scheduled, if the Court deems appropriate, as soon as practicable thereafter.
7. Depositions of Defendants and Nonparties: November 2001 through March 2002  

(It is anticipated that certain depositions of defendants' witnesses, such as 30(b)(6) designees on computer data or other issues, may be held prior to November 2001. It is also anticipated that depositions of fact witnesses shall be taken on class issues prior to November 2001.)
  8. Completion of Fact Discovery, including contention interrogatories: March 29, 2002
  9. Expert Discovery (merits)
    - (a) Plaintiffs shall identify experts and provide expert reports by May 1, 2002 (rebuttal experts excluded).
    - (b) Defendants shall identify experts and provide expert reports by June 3, 2002.
    - (c) Plaintiffs shall identify rebuttal experts (to the extent not already identified) and provide rebuttal expert reports by June 28, 2002. The Court does *not* rule that rebuttal experts are appropriate. This simply establishes the deadline if they are.
    - (d) Depositions of plaintiffs' and defendants' experts shall take place in July 2002.
  10. All Discovery, Including Requests for Admissions, Shall Be Closed By July 31, 2002
  11. Summary Judgment and All Other Dispositive Motions (if applicable)
    - (a) Summary judgment motions (if any) shall be filed by September 3, 2002.
    - (b) Responses to summary judgment motions shall be filed no later than October 21, 2002.
    - (c) Replies to summary judgment motions shall be filed no later than November 10, 2002.

- (d) Hearing on summary judgment motions is requested and shall be scheduled, if the Court deems appropriate, as soon as practicable thereafter.

So Ordered.

Dated this 27th day of June, 2001.

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D. Brock Hornby  
United States Chief District Judge