

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF MAINE**

<b>IN RE COMPACT DISC MINIMUM</b>	<b>]</b>	
<b>ADVERTISED PRICE</b>	<b>]</b>	<b>MDL DOCKET No. 1361</b>
<b>ANTITRUST LITIGATION</b>	<b>]</b>	(This Document Applies To All Actions Except
	<b>]</b>	<i>Trowbridge, et al. v. Sony Music Entertainment Inc.,</i>
	<b>]</b>	<i>et al.</i> , Docket No. 2:01-CV-125-P-H)

**ORDER SETTING AGENDA FOR JAN. 18, 2007 HEARING 9:30 AM**

I accept the agenda proposed in New York Assistant Attorney General Linda Gargiulo's letter of September 28, 2006, with the following elaborations upon my Order on Final Report and Recommendation: Notice and Hearing dated May 25, 2006, at 9-10 (Docket Item 391), where I originally listed the subjects for the hearing. The lawyers have addressed a number of those issues in their subsequent written filings.<sup>1</sup> I may have a few follow-up questions. But the following is what I expect to focus on.

1. The advantages and disadvantages of spending money to try to reach those members of the class who requested a check but then did not cash the check or whose checks were returned as undeliverable, and the likely return on any such expenditure;

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<sup>1</sup> I have yet to receive the following: a Supplemental Cy Pres Distribution Plan from Guam; a declaration regarding any financial or other relationship between the Attorney General's office and the proposed beneficiaries of the Supplemental Cy Pres Distribution Plan for American Samoa; a declaration regarding any financial or other relationship between Counsel for the Private Plaintiffs and the proposed beneficiary of the Supplemental Cy Pres Distribution Plan for New Jersey; and proposals from Utah and Washington for the distribution of leftover CDs.

2. If I decide to permit the spending of that money, whether I should delay any distribution of funds until that process is complete and then have a single and final sum to distribute pro rata to the states, rather than distribute some money now, pro rata, with the ultimately leftover funds going to the nonprofit organizations identified by the Attorneys General and class counsel;

3. Whether I have any authority to approve or disapprove distribution choices made by the individual Attorneys General who are in the lawsuit as *parens patriae*;

4. If I do have such authority, the appropriateness of approving an award to benefit the music industry in Texas, given the nature of this class action where various segments of the music industry were defendants; why the Michigan plan states that the Detroit Symphony Orchestra “does not intend to use any portion of the CD residual fund, if awarded a share” (perhaps a typographical error);

5. Any remaining relationship issues between counsel and cy pres recipients, such as Starry Night Collective in Minnesota;

6. Elaboration in open court as to why administrative expenses increased so much. I agree that testimony, as proposed in Ms. Gargiulo’s letter of September 28, 2006, would be appropriate.

**So ORDERED.**

**DATED THIS 17TH DAY OF OCTOBER, 2006**

/s/D. BROCK HORNBY

**D. BROCK HORNBY**

**UNITED STATES DISTRICT JUDGE**

**U.S. DISTRICT COURT  
DISTRICT OF MAINE (PORTLAND)  
CIVIL DOCKET FOR CASE #: 2:00-MD-1361-DBH**

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