

**UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE**

<b>IN RE NEW MOTOR VEHICLES</b>	<b> </b>	
<b>CANADIAN EXPORT ANTITRUST</b>	<b> </b>	<b>MDL DOCKET No. 1532</b>
<b>LITIGATION</b>	<b> </b>	

**PROCEDURAL ORDER FOR CLASS CERTIFICATION**

The parties in this multidistrict proceeding have waived their rights under Lexecon Inc. v. Milberg Weiss Bershad Hynes & Lerach, 523 U.S. 26 (1998), to have the cases sent back to their respective transferor districts at the conclusion of pretrial proceedings. Joint Stipulation Regarding Application of Lexecon to Pls.' Consolidated Am. Compl. (Docket Item 207). They have thereby removed the impediment to class-shaping decisions that I described in my Procedural Order of February 25, 2005 (Docket Item 201). In this Order, therefore, I finalize the description of the process that we will follow for determining class certification. As all parties recognize, for the federal Sherman Act claim the issue is whether to certify a nationwide injunctive class. For the state damages claims, I will permit (but not require) the parties to proceed by exemplar classes in the following manner:

1. By March 29, 2005, the plaintiffs shall designate no more than three exemplar damages classes, organized by state or by subject matter, that they wish the Court to certify.

2. By April 12, 2005, the defendants shall designate no more than three exemplar damages classes by which to show that certification is not possible.

Neither side is required to designate all (or any) of its three allotted exemplars.

The remaining deadlines, as proposed by the parties, are now incorporated in this Order as follows:

May 13, 2005	Parties complete document production.
July 1, 2005	All class-certification-related depositions to be completed.
July 29, 2005	Plaintiffs disclose class-certification expert(s) and file their class-certification brief and expert report(s).
August 30, 2005	Defendants complete deposition(s) of plaintiffs' class-certification expert(s).
September 30, 2005	Defendants disclose class-certification expert(s) and file their opposition brief and expert report(s).
October 28, 2005	Plaintiffs complete deposition(s) of defendants' expert(s).
November 18, 2005	Plaintiffs file their reply brief and expert rebuttal report, if any, limited to new issues raised in defendants' brief and expert report(s).
December 6, 2005	Hearing on class-certification motion.

**SO ORDERED.**

**DATED THIS 15TH DAY OF MARCH, 2005**

/s/D. Brock Hornby \_\_\_\_\_  
**D. BROCK HORNBY**  
**UNITED STATES DISTRICT JUDGE**

**U.S. DISTRICT COURT  
DISTRICT OF MAINE (PORTLAND)  
CIVIL DOCKET FOR CASE #: 2:03-MD-1532-DBH**

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