

UNITED STATES DISTRICT COURT

DISTRICT OF MAINE

IN RE COMPACT DISC MINIMUM]
ADVERTISED PRICE ANTITRUST]
LITIGATION]

MDL DOCKET No. 1361

SCHEDULING ORDER

I have adopted the parties' Joint Pretrial Schedule Proposal, resolving the limited disputed matters and making only minor modifications. COUNSEL ARE PLACED ON NOTICE, HOWEVER, THAT I CONSIDER THE DEADLINES VERY GENEROUS, AND THEY SHOULD NOT EXPECT ROUTINE EXTENSIONS.

1. Response and Reply to Motions to Dismiss
 - (a) State and private plaintiffs' responses shall be filed on or before February 23, 2001.
 - (b) Distributor and retailer defendants' reply (if any) shall be filed on or before March 8, 2001.
 - (c) Hearing on motions to dismiss is requested and shall be scheduled, if the Court deems appropriate, on or before April 4, 2001.
2. Production By Distributor Defendants or States of Documents Previously Produced to FTC and/or States in the MAP Investigations
 - (a) Commenced January 2001.
 - (b) Confidentiality designations shall be completed by February 15, 2001.

3. Document and Data Discovery of Retailer Defendants and Nonparty Retailers, Including Sales Data (assuming resolution of issues relating to production of electronic data)
 - (a) Plaintiffs shall provide a revised version of document requests on or before February 7, 2001.
 - (b) Plaintiffs shall conduct interviews with individual retailers regarding data maintenance and production issues during February and March, 2001; within a reasonable time prior to each such interview, plaintiffs shall provide the topics to be covered.
 - (c) Distributor defendants shall provide plaintiffs with a data sampling proposal (including methodology and underlying data) on or before February 15, 2001.
 - (d) Defendants' and plaintiffs' experts shall confer regarding data sampling proposal no later than March 2, 2001. If plaintiffs notify defendants after March 2, 2001, that their claim is based on other than a national market, the parties will meet and discuss what changes in discovery result therefrom and the defendants may seek Court review if they believe it is unnecessarily and unreasonably duplicative.
 - (e) Plaintiffs shall provide any proposed revisions of, or alternatives to, the defendants' sampling proposal on or before March 15, 2001.
 - (f) Plaintiffs and defendants shall provide a joint report to the Court regarding the status and/or feasibility of joint retailer discovery on or before March 30, 2001.
 - (g) Joint retailer document and data discovery requests, if agreed upon, shall be propounded shortly thereafter; the parties shall consult as to commencement date.
 - (h) Retailers' production of documents and agreed-upon data shall be completed by August 31, 2001.
4. Discovery of Private Plaintiffs (including written discovery and depositions on class and merits issues)
 - (a) Commence: February 2001

- (b) Anticipated completion: April 27, 2001
5. Supplemental Document Discovery of Distributor Defendants
- (a) Requests shall be served no later than May 4, 2001.
 - (b) Rolling production shall be completed by September 30, 2001.
6. Class Certification
- (a) Plaintiffs shall advise defendants and the Court on or before March 30, 2001, whether they will file expert affidavits in support of class certification motion and, if so, when they propose to do so.
 - (b) Depositions of plaintiffs' class experts, if any, and depositions of any necessary fact witnesses (other than private plaintiffs) on class issues shall be completed by September 21, 2001. Upon reasonable notice, in order to avoid duplicative appearances, individual fact witnesses noticed for class depositions may also be deposed on merits issues.
 - (c) Defendants' opposition to class certification motion, including expert affidavits, if any, shall be filed by September 28, 2001.
 - (d) Depositions of defendants class experts shall take place in October 2001.
 - (e) Plaintiffs' reply brief, 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 October 31, 2001.
 - (f) Hearing on class certification motion is 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 admission, 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 11, 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 15TH DAY OF FEBRUARY, 2001.

D. BROCK HORNBY
UNITED STATES CHIEF DISTRICT JUDGE