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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

IN RE: TFT-LCD (FLAT PANEL) ANTITRUST LITIGATION No. M 07-1827 SI
MDL No. 1827

This Order Relates to:
ALL CASES

PRETRIAL ORDER NO. 3: ORDER APPOINTING INTERIM LEAD CLASS COUNSEL; DUTIES OF INTERIM LEAD CLASS COUNSEL AND LIAISON COUNSEL

I. Appointment of Interim Lead Class Counsel

Now pending before the Court are a number of applications pursuant to Federal Rule of Civil Procedure 23(g) for appointment of Interim Lead Class Counsel.¹ After carefully considering the applications of the distinguished and experienced counsel, and the requirements of Rule 23(g)(1)(C), the Court makes the following interim appointments (Fed. R. Civ. P. 23(g)(2)(B):

Interim Lead Counsel indirect purchaser cases: Francis O. Scarpulla, of Zelle Hofmann Voelbel Mason & Gette, LLP
Joseph M. Alioto, of the Alioto Law Firm

Interim Lead Counsel direct purchaser cases: Bruce L. Simon, of Pearson, Simon, Soter, Warshaw, and Penny, LLP,
Richard Heimann, of Lief, Cabraser, Heimann & Bernstein

The Court finds that each of the foregoing firms and individuals has demonstrated substantial effort in identifying and investigating potential claims in this action, is experienced in litigating and trying complex antitrust class actions, has extensive knowledge of the applicable law, and has the appropriate resources to properly represent the class. These firms have also demonstrated an ability to

¹ This order disposes of Docket Nos. 9, 13, 14, 25, 29, 35, 45, 65, 88, 152, 156, 159, and 197. In addition, the Notice of Withdrawal of Counsel filed by Sarah Hansen on July 6, 2007 (Docket No. 190) is approved.

United States District Court
For the Northern District of California

1 work with other firms, including the various other firms representing clients in these cases, in an
2 expeditious and cooperative manner. The substantial legal talent present in this case must be effectively
3 marshaled so as to best represent the interests of the clients; it will be the responsibility of Interim Lead
4 Counsel to coordinate that effort, with the assistance of Liaison Counsel.

5
6 **II. Duties of Interim Lead Class Counsel**

7 Interim Lead Class Counsel shall be responsible for the overall conduct of the litigation on behalf
8 of the indirect and direct purchaser plaintiffs. Interim Lead Class Counsel shall be responsible for the
9 following with regard to their respective classes:

- 10 a. Supervise all pretrial, trial and post-trial proceedings on behalf of plaintiffs;
- 11 b. Sign any pleadings, motions, briefs, discovery requests or objections, subpoenas or
12 notices on behalf of plaintiffs;
- 13 c. Determine and present in motions, briefs, oral argument, meetings with the Special
14 Master, or such other fashion as may be appropriate, the position of all of the plaintiffs
15 as to all matters arising during pretrial and trial proceedings;
- 16 d. Designate attorneys to act as spokespersons at pretrial conferences and meetings with the
17 Special Master;
- 18 e. Negotiate and enter stipulations with defense counsel with respect to all matters in this
19 litigation, including discovery and settlement matters. In particular, Interim Lead Class
20 counsel are directed to meet and confer with defendants' counsel and submit a stipulation
21 as to the filing of consolidated amended complaints for the two classes;
- 22 f. After the resolution of the United States' upcoming motion to stay or limit discovery,
23 develop and propose to the Court schedules for the commencement, execution and
24 completion of discovery. After the current stay on discovery is lifted, conduct or
25 coordinate discovery on behalf of plaintiffs consistent with the requirements of the
26 Federal Rules of Civil Procedure, including the preparation of joint interrogatories,
27 requests for production of documents, requests for admissions and the examination of
28 witnesses in depositions;

- 1 g. Coordinate the activities of plaintiffs' counsel and implement procedures to ensure that
- 2 schedules are met and unnecessary expenditures of time and funds are avoided;
- 3 h. Employ and consult with experts;
- 4 i. Call meetings of plaintiffs' counsel when deemed appropriate;
- 5 j. Delegate tasks to counsel for plaintiffs and otherwise coordinate the work of all
- 6 plaintiffs' counsel, and perform such other duties as the Interim Lead Class Counsel
- 7 deem necessary or as authorized by further order of the Court; and
- 8 k. Work with plaintiffs' Liaison Counsel to ensure that all plaintiffs' counsel are kept
- 9 informed of the progress of this litigation as necessary.

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11 **II. Duties of Liaison Counsel**


12 At the July 20, 2007 status conference the Court appointed Elizabeth Prizker, Esq., as Interim
13 Liaison Counsel for the direct purchaser plaintiffs, Jack Lee, Esq., as Interim Liaison Counsel for the
14 indirect purchaser plaintiffs, and Albert Boro, Esq., as Liaison Counsel for defendants. In addition to
15 the duties set forth in Pretrial Order No. 1, the duties of Liaison Counsel are as follows:

- 16 a. On a monthly basis, plaintiffs' Liaison Counsel shall collect reports of
- 17 contemporaneously-prepared attorney- and paralegal-time and expense records from
- 18 each plaintiffs' firm. The reports shall include contemporaneous records for anyone
- 19 whose time is expected to be included in any fee petition;
- 20 b. Defendants' Liaison Counsel shall collect reports of contemporaneously-prepared
- 21 attorney- and paralegal-time and expense records from any defendant who expects to
- 22 seek reimbursement for any fees or expenses through motion made to the Court. The
- 23 reports shall include contemporaneous records for anyone whose time is expected to be
- 24 included in any fee request;
- 25 c. Between formal hearings or appearances, Liaison Counsel shall serve as a contact point
- 26 between the parties and the Court. Matters which the parties desire to bring to the
- 27 Court's attention between hearings or on an informal basis may be presented by Liaison
- 28 Counsel as needed; and the Court will contact Liaison Counsel on an as-needed basis to

1 assure consistent management of these cases.

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3 **IT IS SO ORDERED.**

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6 Dated: July 13, 2007



SUSAN ILLSTON
United States District Judge

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United States District Court
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