

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

In re Polyurethane Foam Antitrust
Litigation

Case No. 1:10 MD 2196

ORDER

This document relates to:
ALL CASES

JUDGE JACK ZOUHARY

This Court held a record in-person status conference on November 5, 2013 (Court Reporter: Angela Nixon) and heard argument from counsel regarding several discovery disputes. At that conference, this Court issued the following rulings not otherwise reflected in the Court's docket:

1. Parties will promptly notice and schedule outstanding 30(b)(6) depositions. The fact discovery deadline is extended until **February 14, 2014** for Defendants to notice, schedule, and complete, 30(b)(6) depositions of Direct Action Plaintiffs. Defendants' request for additional plaintiff depositions is denied at this time. Defendants may, for good cause, seek additional plaintiff depositions after having exhausted Defendants' current allocation.

2. Parties will jointly submit to this Court a proposed Third Amended Scheduling Order by **November 19, 2013**, to adjust dates in this Court's Second Amended Scheduling Order (Doc. 417). This proposed Third Amended Scheduling Order will suggest adjustments to relevant dates in light of this Court's extension of the fact discovery deadline, noted above. This Court will not alter the **October 2014** trial date included in the Second Amended Scheduling Order.

3. Direct Action Plaintiffs will comply with this Court's Order regarding Discovery Protocol (Doc. 241) by **December 8, 2013**.

4. Counsel will meet and confer regarding proposed amendments to Paragraphs 4.2 and 4.3 of this Court's Stipulated Protective Order (Doc. 42) and attempt to agree on proposed amendments, if any. If counsel cannot agree, they should submit their proposed language to this Court. Any proposed Stipulated Protective Order amendment will be submitted to this Court by **December 8, 2013**.

5. Plaintiffs will permit Defendants to depose Dr. Richard Krieger by **December 12, 2013**.

6. This Court granted Direct Action Plaintiffs' Motion to Dismiss without prejudice the Direct Action Claims of Plaintiffs Legends Inc. and Prime Design (Case No. 11-pf-10008, Doc. 46).

7. This Court heard a dispute over Indirect Purchaser Plaintiffs' contention that Defendants Vitafoam Inc. and Vitafoam Products Canada Ltd.'s ("the Vita Defendants") failure to respond or object to a series of Requests for Admission ("RFA") within the requisite time period resulted in those facts being admitted. This Court granted the Vita Defendants' Request to Strike references to these admissions in the Indirect Purchaser Plaintiffs' reply briefs filed with respect to its Motion for Class Certification (Docs. 740-41). The Vita Defendants will respond or object to these RFAs by **November 19, 2013**.

8. This Court scheduled a non-evidentiary hearing on the pending Motions for Class Certification (Docs. 577 & 584) for **Wednesday, January 15, 2014 at 9:30 a.m. (EST)**. In advance of that hearing, this Court will submit questions to counsel related to the pending Motions.

9. This Court reminded Counsel of their obligations with respect to the submission, and formatting of, courtesy copies of motions and related filings (see Conference Transcript for details).

IT IS SO ORDERED.

s/ Jack Zouhary
JACK ZOUHARY
U. S. DISTRICT JUDGE

November 8, 2013