

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

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| In Re: | Case No. 1:10 MD 2196 |
| Polyurethane Foam Antitrust Litigation | ORDER RE: Class Certification Motions Hearing Format |
| This document related to: ALL CASES | JUDGE JACK ZOUHARY |

On **Wednesday, January 15, 2014**, this Court will hold a hearing on the pending Motions for Class Certification (Docs. 578 & 584) in **Courtroom 209**. As noted at the November 5, 2013 in-person status conference, this Court will propound Questions for the Parties to structure that hearing. This Court will file those questions by **Wednesday, January 8, 2014**. In addition, this Court has determined that a presentation of the experts would be useful in deciding the pending Motions. The Motion hearing will proceed as follows:

Morning Session: Presentation of the Experts

9:00 – 9:45: Presentation of Dr. Jeffrey Leitzinger (sponsors: Direct Purchasers)

9:45 – 10:30: Presentation of Dr. Russell Lamb (sponsors: Indirect Purchasers). Dr Lamb should primarily discuss his proposed “pass-through” analysis and damages calculation.

10:45 – 12:00: Presentation of Dr. Janusz Ordover (sponsors: Defendants). Dr. Ordover should discuss his review of *both* of the preceding experts’ reports.

12:00 – 1:00: Break for Lunch

Afternoon Session: Questions for the Parties and Housekeeping

1:00 – 4:00: Counsel to address Court’s Questions and, time permitting, miscellaneous housekeeping.

As in past Motion hearings, the Afternoon Session will follow a point/counterpoint structure. The Morning Session will not. Instead, the experts, in conjunction with their sponsors, will structure

as they see fit a presentation of their respective analysis. If they so choose, sponsors may guide the experts' presentation with questions or points of clarification. One important caveat should be noted: this Court expects that, during the Morning Session, experts will address those Questions for the Parties that are appropriate for expert comment.

This Court does *not* intend the Morning Session to be a formal examination of the experts -- that is, counsel for Defendants may not question Drs. Leitzinger or Lamb during either expert's presentation. That format is intended to permit presentation of the extensive expert analysis within the time limits. That is not to say the experts should not discuss opposing experts' critiques. The parties have "shown their cards" in filing volumes of expert reports, declarations, and reply reports in briefing the pending Motions. Sponsors and their experts can anticipate and should address an opposing expert's critiques.

After conferring, Parties will submit to Chambers via e-mail (zouhary_chambers@ohnd.uscourts.gov) a proposed agenda of miscellaneous housekeeping items by **Monday, January 6, 2014**, per this Court's usual practice for status conferences. Parties will submit a roll call for the hearing, again via e-mail, by **Monday January 13, 2014**, listing counsel who will attend in-person or by phone (and distinguishing between the two means of attendance). Though this Court strongly prefers each expert to attend the hearing, the expert may attend by telephone if necessary. As always, counsel who intend to present argument during the hearing must attend in person.

IT SO ORDERED.

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

December 11, 2013