

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

SUMMARY JUDGMENT
BRIEFING PROTOCOLS

This document relates to:
ALL CASES

JUDGE JACK ZOUHARY

Parties shall brief the motions for summary judgment according the following guidelines (*see* Local Rule 7.1(f) (permitting a Judicial Officer to modify presumptive page limits)):

- Defendants shall have a total of up to two hundred (200) pages (combined) for their respective briefs in support of the motions for summary judgment and applicable *Daubert* challenges.
- The Direct Purchaser Class shall have a total of up to one hundred forty (140) pages for their opposition to Defendants' motions for summary judgment and applicable *Daubert* challenges.
- Defendants shall have a total of up to eighty (80) pages (combined) for replies in support of their respective motions for summary judgment and applicable *Daubert* challenges.

With generous page allotments, this Court anticipates counsel will explain their respective experts' analyses and conclusions succinctly and in plain English.

Briefing shall be doubled-spaced (except for block quotes) in Times New Roman font not less than 12 points in size, including footnotes, with margins of not less than one inch. Briefs must contain a table of contents and a table of authorities. Parties shall not make excessive use of footnotes. Defendants shall consolidate briefing where practicable (*e.g.*, each Defendant group need not reiterate the *Matsushita* or Federal Civil Rule 56 standards).

If a party relies on an expert's deposition testimony, the entire deposition transcript shall be made part of the record. By contrast, parties may file excerpts of fact witness deposition transcripts. In addition to their briefs and supporting exhibits, Defendants must file as part of the record an exhibit table of contents, identifying each exhibit submitted in support of the motions for summary judgment by short title (*e.g.*, "Pace Expert Report," "Wahrmund Deposition Excerpts"). The parties shall likewise file an exhibit table of contents for the opposition and the replies. See attached example (Exhibit Table of Contents from Defendants' Opposition to Direct Purchaser Class Motion for Class Certification).

To the extent practicable, parties will file the motions, opposition, and replies, along with all supporting material, so that the filing appears as one ECF entry; that is, the parties should mimic ECF entries 584 (Direct Purchasers' Motion for Class Certification) and 682 (Defendants' Opposition to the Direct Purchaser Motion for Class Certification), *not* ECF entries 577–83 (Indirect Purchasers' Motion for Class Certification).

Parties shall provide Chambers one courtesy copy of briefing and all supporting materials. Courtesy copies shall contain "ECF header" information, which appears on all electronic versions of ECF-filed documents (*see* Doc. 1094). If voluminous, courtesy copies must be spiral bound, not assembled in a three-ring binder.

The Clerk shall strike any filing that fails to conform to these requirements.

IT IS SO ORDERED.

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

August 8, 2014