

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**IN RE: ANHEUSER-BUSCH BEER  
LABELING, MARKETING AND SALES  
PRACTICES LITIGATION**

**MDL DOCKET No. 2448  
ALL CASES**

**Judge Donald C. Nugent**

**This Document relates to: ALL CASES**

**PRETRIAL ORDER #1 GRANTING MOTION TO APPOINT  
PLAINTIFFS' INTERIM CO-LEAD COUNSEL AND LIAISON COUNSEL**

Pursuant to 28 U.S.C. §1407, the Judicial Panel on Multidistrict Litigation (“JPML”) has transferred eight actions to this Court for coordinated or consolidated pretrial proceedings before the Honorable Donald C. Nugent.

Robert W. Mills, Joshua D. Boxer and The Mills Law Firm, plaintiffs’ counsel in the *Giampaoli* and *Richardson* actions, and John Climaco, of Climaco, Wilcox, Peca, Tarantino & Garofoli, have filed a Motion to Appoint Plaintiffs’ Interim Co-Lead Counsel and Liaison Counsel and for Entry of Pretrial Order #1.

This Order shall govern the pre-trial proceedings of these consolidated actions and trial of those actions that are not remanded to their originating jurisdictions for trial unless and until altered or amended by the Court. This Order shall further govern all subsequent related actions, which are added-on, transferred or otherwise included within this MDL proceeding.

The Court hereby **GRANTS** the Motion to Appoint Plaintiffs’ Interim Co-Lead Counsel and Liaison Counsel.

**I. ORGANIZATION OF PLAINTIFFS’ COUNSEL**

The organizational structure of Plaintiffs’ counsel established by this Order shall bind all Plaintiffs’ counsel in this MDL proceeding, including any actions subsequently governed by this Order.

The Court appoints the following individuals to act on behalf of all Plaintiffs and putative class members in this MDL proceeding, including any cases and plaintiffs subsequently governed by this Order, with the responsibilities hereinafter prescribed:

A. Robert W. Mills, of The Mills Law Firm, shall serve as Interim Co-Lead Counsel,

B. Joshua D. Boxer, of The Mills Law Firm, shall serve as Interim Co-Lead Counsel,

C. John Climaco, of Climaco, Wilcox, Peca, Tarantino & Garofoli, shall serve as Liaison Counsel.

## **II. RESPONSIBILITIES OF COUNSEL**

Co-Lead Counsel shall have day-to-day responsibility for the conduct of the MDL litigation, shall determine how best to prosecute the case, and shall initiate, coordinate and supervise the efforts of Plaintiffs' counsel in the MDL litigation in the areas of discovery, briefing, trial and settlement. Co-Lead Counsel shall designate responsibilities for specific tasks to Plaintiffs' counsel in the various cases in a manner to assure that pretrial preparation is conducted effectively, efficiently and economically; and shall monitor the activities of Plaintiffs' counsel to assure that schedules are met and unnecessary expenditures of time and money are avoided.

Plaintiffs' Liaison Counsel shall maintain the records and the official service list of all Plaintiffs and Plaintiffs' counsel in the Consolidated Actions, including their e-mail and physical addresses and shall be responsible for forwarding any documents or information received from defendant to other Plaintiffs' counsel as necessary. Plaintiffs' Co-Lead and Liaison Counsel shall perform whatever additional functions that may be assigned to them by the Court.

Agreements reached between Defendant and Co-Lead Counsel shall be binding on all Plaintiffs and their counsel. No discovery shall be served, no motion shall be filed, no settlement shall be negotiated or agreed upon, and no action materially effecting the prosecution of this case shall be undertaken by any Plaintiff's counsel without the consent of Co-Lead Counsel, unless leave of Court is obtained.

Plaintiffs' counsel who may seek to recover Court-awarded attorneys' fees or expenses in connection with this litigation shall keep a daily record of their time and expenses incurred, indicating with specificity the time spent on each particular activity. Such counsel shall, by the 15th day of each quarter, submit to Co-Lead Counsel a report of their time and expense records for the preceding quarter in a format to be determined by Co-Lead Counsel. The failure to maintain and provide such records on a quarterly basis or an insufficient description of the activity may be grounds for denying Court-awarded attorneys' fees or expenses in whole or in part.

Plaintiffs' Co-Lead Counsel shall establish forms and procedures to implement and carry out the time and expense submissions required by the Court and necessary to compile and maintain their records. The forms shall also be certified by a Partner at each firm attesting to the accuracy and correctness of the submissions. Questions regarding the guidelines or procedures for completion of any time and expense forms should be directed to Co-Lead Counsel.


It shall be the duty of each of the parties and their counsel to immediately disclose to this Court and all other parties the filing of any new action in any state or federal court related to the claims alleged in this action.

### **III. APPLICATION OF THIS ORDER TO SUBSEQUENT CASES**

This Pretrial Order #1 shall apply to each related case subsequently added-on or transferred to this MDL proceeding. When an action is added-on as part of these proceedings, plaintiffs' Co-Lead Counsel shall serve a file-endorsed copy of Pretrial Order No. 1 to the attorneys for the plaintiff(s) in the add-on case, and direct that Pretrial Order No. 1 be served upon any new defendant(s) in the add-on case, or their counsel. A new party objecting to the

application of any provision of this Order must file a request for relief from this Order within ten (10) days of service of this Order upon that party.

Dated: August 22, 2013

  
\_\_\_\_\_  
Judge Donald C. Nugent  
United States District Judge