

**UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT**

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IN RE PUBLICATION PAPER	:	
ANTITRUST LITIGATION	:	Docket No. 3:04 MD 1631 (SRU)
	:	
	:	
THIS DOCUMENT RELATES TO:	:	ALL ACTIONS

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**PRACTICE AND PROCEDURE ORDER NO. 2**

Two groups of plaintiffs' counsel each presented a motion to be appointed lead plaintiffs' counsel. I have considered the arguments raised in the parties' briefs and at oral argument, as well as the factors affecting decision on the appointment of counsel set forth in the Manual for Complex Litigation (4<sup>th</sup> ed. 2004) at 27. In addition, I have considered whether the Cohen, Milstein & Toll firm's service as a co-lead counsel in the In re Pressure Sensitive Labelstock Antitrust Litigation creates an actual or potential conflict of interest that would impair its ability to serve as co-lead counsel in this action. I concluded that, on the present record, the existence and impact of any potential conflict remains speculative, but I will revisit the issue should future events or information suggest a need to do so. Therefore, for the reasons stated on the record at the status conference of January 11, 2005, it is hereby ordered that:

**A. Organization and Role of Plaintiffs' Counsel**

1. The Court appoints an Executive Committee of Plaintiffs' Counsel (the "Executive Committee") consisting of the following firms: The Furth Firm LLP; Cohen, Milstein, Hausfeld & Toll, P.L.L.C.; Barrack, Rodos & Bacine; Heins Mills & Olson P.L.C.; Kaplan Fox &

Kilsheimer LLP; and Meredith Cohen Greenfogel & Skirnick, P.C., with The Furth Firm LLP and Cohen, Milstein, Hausfeld & Toll, P.L.L.C. serving as Co-Chairs of the Executive Committee. The Co-Chairs of the Executive Committee shall be responsible for the overall conduct by plaintiffs of the Publication Paper Antitrust Litigation. The Co-Chairs of the Executive Committee shall have the following responsibilities:

- a. to designate plaintiffs' counsel to act as spokespersons at pretrial conferences;
- b. to call meetings of plaintiffs' counsel when appropriate;
- c. to assign work among interested plaintiffs' counsel, in consultation with the Executive Committee, in order to facilitate the orderly and efficient prosecution of this litigation and to avoid duplicative or unproductive effort; and
- d. to coordinate and communicate with defendants' counsel with respect to matters addressed in this paragraph.

2. Plaintiffs' Executive Committee, under the direction of the Co-Chairs of the Executive Committee, shall have the following responsibilities:

- a. to brief and argue motions and file opposing briefs in proceedings initiated by other parties;
- b. to initiate and conduct discovery proceedings;
- c. to negotiate with defense counsel with respect to settlement and other matters;
- d. to conduct trial and post-trial proceedings;
- e. to consult with and employ experts;
- f. to allocate fees;
- g. to perform such other duties and undertake such other responsibilities as they deem necessary or desirable; and

- h. to coordinate and communicate with defendants' counsel with respect to matters addressed in this paragraph.

3. No substantive motion, request for discovery, or other pretrial proceedings shall be initiated or filed by any plaintiff except through Plaintiffs' Executive Committee, or with leave of the Court.

4. All work performed by plaintiffs' counsel in this class action must be authorized in advance by Plaintiffs' Executive Committee.

**B. Role of Plaintiffs' Liaison Counsel**

1. The Court appoints the law firm of Brenner, Saltzman & Wallman, LLP as Plaintiffs' Liaison Counsel. The Plaintiffs' Liaison Counsel shall have the following responsibilities:

- a. to receive orders, notices, correspondence, and telephone calls from the Court on behalf of all plaintiffs;
- b. to maintain an up-to-date service list of all counsel for distributing copies of orders, notices and other documents to plaintiffs' counsel; and
- c. to perform any other task assigned by the Executive Committee.

**C. Maintenance of Contemporaneous Attorney Time and Expense Records**

1. All plaintiffs' counsel shall submit to Plaintiffs' Executive Committee or their designee a record of the time expended and expenses incurred in the form and on the schedule required by Plaintiffs' Executive Committee.

It is so ordered.

Dated at Bridgeport, Connecticut, this 13<sup>th</sup> day of January 2005.

/s/ Stefan R. Underhill  
Stefan R. Underhill  
United States District Judge