

FILED IN OPEN COURT  
U.S.D.C. Atlanta

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA,  
ATLANTA DIVISION

SEP 5 2007

JAMES N. HATTEN, Clerk  
*J Sewell* Deputy Clerk

_____	)	
IN RE CONAGRA PEANUT BUTTER	)	Civil Action No.
PRODUCTS LIABILITY LITIGATION	)	1:07-mdl-1845 TWT
	)	
	)	ALL CASES
_____		

~~PROPOSED~~ ORDER APPOINTING PLAINTIFFS' LEAD, LIAISON,  
AND OTHER DESIGNATED COUNSEL

The court having read submissions of counsel and having considered the appointment of Plaintiffs' lead counsel, liaison counsel, and other designated counsel, and having furthermore heard from counsel on September 5, 2007, at the court's initial pretrial conference,

It is hereby ORDERED as follows:

1. *Plaintiffs' Lead Counsel.* Elizabeth J. Cabraser shall be and is herewith appointed Plaintiffs' lead counsel. Lead counsel shall be generally responsible for coordinating the activities of plaintiffs during pretrial proceedings and shall
  - (a) determine (after such consultation with other members of Plaintiffs' Steering Committee and other co-counsel as may be appropriate) and

present (in briefs, oral argument, or such other fashion as may be appropriate, personally or by a designee) to the court and opposing parties the position of the plaintiffs on all matters arising during pretrial proceedings;

- (b) coordinate the initiation and conduct of discovery on behalf of plaintiffs consistent with the requirements of Fed. R. Civ. P. 26(b)(1), 26(2), and 26(g), including the preparation of joint interrogatories and requests for production of documents and the examination of witnesses in depositions;
- (c) conduct settlement negotiations on behalf of plaintiffs, but not enter binding agreements except to the extent expressly authorized;
- (d) delegate specific tasks to other counsel or committees of counsel, as authorized by the court, in a manner to ensure that pretrial preparation for the plaintiffs is conducted efficiently and effectively;
- (e) enter into stipulations with opposing counsel as necessary for the conduct of the litigation;
- (f) prepare and distribute periodic status reports to the parties;
- (g) maintain adequate time and disbursement records covering services as lead counsel;

- (h) monitor the activities of co-counsel to ensure that schedules are met and unnecessary expenditures of time and funds are avoided; and
- (i) perform such other duties as may be incidental to proper coordination of plaintiffs' pretrial activities or authorized by further order of the court.

Counsel for plaintiffs who disagree with lead counsel (or those acting on behalf of lead counsel) or who have individual or divergent positions may present written and oral arguments, conduct examinations of deponents, and otherwise act separately on behalf of their clients as appropriate, provided that in doing so they do not repeat arguments, questions, or actions of lead counsel.

2. *Plaintiffs' Liaison Counsel.* Robert H. Smalley, III, shall be and is herewith appointed Plaintiffs' liaison counsel. Liaison counsel shall

- (a) maintain and distribute to co-counsel and to defendants' liaison counsel an up-to-date service list;
- (b) receive and, as appropriate, distribute to co-counsel orders from the court [and documents from opposing parties and counsel];
- (c) maintain and make available to co-counsel at reasonable hours a complete file of all documents served by or upon each party [except such documents as may be available at a document depository]; and

(d) establish and maintain a plaintiffs' document depository [*see, Manual for Complex Litigation, fourth, section 40.261*].

(e) in consultation with lead counsel, conduct settlement negotiations on behalf of plaintiffs, but not enter binding agreements except to the extent expressly authorized;

(f) enter into stipulations with opposing counsel as necessary for the conduct of the litigation;

(g) maintain adequate time and disbursement records covering services as liaison counsel;

3. *Plaintiffs' Executive Committee and Plaintiffs' Steering Committee.* The other members of plaintiffs' executive committee and plaintiffs' steering committee shall, from time to time, consult with plaintiffs' lead and liaison counsel in coordinating the plaintiffs' pretrial activities and in planning for trial.

The following persons shall serve as designated counsel upon the Plaintiffs' Executive Committee and Plaintiffs' Steering Committee: Craig Harley; S. Randall Hood; Clay Jenkins; David Karnas; and Seth Lesser.

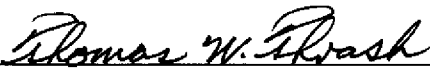
The following persons shall additionally serve as designated counsel upon the Plaintiffs' Steering Committee: A. James Andrews; Daniel

Becnel, Jr.; Garrett Blanchfield, Jr.; Bryan N. Cigelske; Paul Crouch; Jeff Daniel; Rick DiGiorgio; Cory Holzer; Jeffrey A. Klafter; Roger W. Orlando; Dennis G. Pantazis; and Peter Protopapas.

A listing of contact information for lead counsel, liaison counsel, and all other designated counsel is attached hereto as *Attachment "A"* and incorporated herewith by this reference.

4. Pursuant to Fed. R. Civ. P. 23(g)(2)(A,) lead counsel, liaison counsel, and all designated counsel shall be and are herewith appointed as interim class counsel until further order of this court.

So Entered and Ordered, this 5 day of September, 2007.

  
\_\_\_\_\_  
Hon. Thomas W. Thrash, Jr.  
United States District Judge

**Attachment "A"**  
**Designated Counsel Contact Information**

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Plaintiffs' Steering Committee

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