

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>IN RE: PROCESSED EGG PRODUCTS</b>	:	
<b>ANTITRUST LITIGATION</b>	:	
	:	<b>MDL No. 2002</b>
	:	<b>08-md-02002</b>
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	:	
<b>THIS DOCUMENT APPLIES TO:</b>	:	
<b>ALL ACTIONS</b>	:	

**CASE MANAGEMENT ORDER NO. 12**

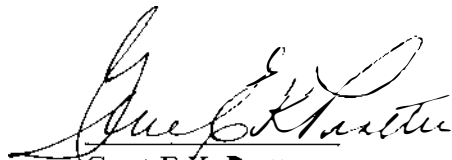
**AND NOW**, this 24th day of February, 2009, upon consideration of the Court’s Order of February 2, 2009 (Docket No. 42) and correspondence from the parties dated February 20, 2009, it is hereby ORDERED:

1. Pursuant to Federal Rule of Civil Procedure 53, and notice having been given to the parties, Sandra A. Jeskie, Esquire is APPOINTED as a Special Master in this Litigation to evaluate and recommend resolutions to disputes involving electronic discovery.
2. The Special Master, whose Affidavit pursuant to Rule 53(b)(3) of the Federal Rules of Civil Procedure is attached hereto, shall proceed with all reasonable diligence regarding disputes referred to her by the Court involving electronic discovery and render proposed findings of fact and conclusions of law with respect to disputes involving electronic discovery for the Court’s review and approval following notice to the parties.

3. There will be no ex parte communication with the Special Master regarding the merits of the claim without the Court's prior approval or the consent of the parties.
4. All parties shall cooperate fully with the Special Master and shall timely provide her with such information as she requests, either orally or in writing. The authority of the Special Master shall be in accordance with Rule 53(c), (d), and (f) of the Federal Rules of Civil Procedure.
5. All materials submitted to the Special Master by the parties and all materials produced by the Special Master in relation to this Litigation shall be preserved and provided to the Court as a record of the Special Master's activities.
6. The parties in this Litigation are responsible for the fees and costs associated with the appointment of and services rendered by the Special Master, as allocated by the Court from time to time. The Special Master's compensation shall be based upon and payable as provided by the terms set forth in the attached Affidavit. The invoices of the Special Master shall be sent to counsel for the parties with a contemporaneous copy provided to the Court.
7. The Special Master shall keep a complete accounting of all of her fees and expenses, which shall be made available at the Court's direction for its inspection.
8. The Special Master shall prepare and submit her reports in accordance with Rule 53(f) of the Federal Rules of Civil Procedure. From time to time, as directed by the Court, the Special Master shall prepare and submit status reports for the Court's in camera review.

9. Any party and/or the Special Master may apply to the Court for an amendment of this Order.

BY THE COURT:



Gene E. Pratter  
United States District Judge

**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: PROCESSED EGG PRODUCTS  
ANTITRUST LITIGATION**

**MDL No. 2002**

**Civil Action No. 08-MD-2002**

Commonwealth of Pennsylvania

County of Philadelphia

**AFFIDAVIT OF SANDRA A. JESKIE, ESQ.**

Sandra A. Jeskie, Esquire being duly sworn according to law, deposes and says:

1. I am a partner at Duane Morris LLP, resident in the Philadelphia, PA office located at 30 South 17<sup>th</sup> Street, Philadelphia, PA 19103-4196.

2. To the best of my knowledge, the only potential conflict which I have been able to identify is that Duane Morris LLP currently represents Milberg LLP in several matters, primarily related to labor and employment. I have had no involvement in those matters.

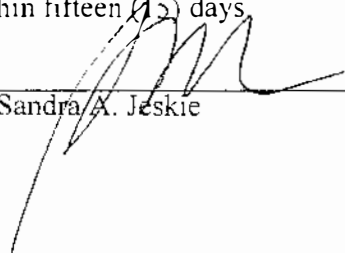
3. I also note that for a brief time, I was co-counsel with Howard Sedran, Steven Asher and Warren Rubin in In re Electrical Carbon Products Antitrust Litigation, 03-CV-2182 (JBS), MDL 1514 (D.N.J.). The case settled and is closed. My role in that case was limited and would not in any way affect my ability to act as Special Master.

4. Pursuant to Federal Rule of Civil Procedure 53(b)(3), I have reviewed the grounds for disqualification contained within 28 U.S.C. §455, and affirmatively state that I am not aware of any ground for my disqualification thereunder.

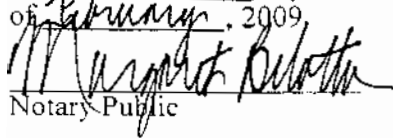
5. My fee as Special Master will be based upon my time at an hourly rate of \$450 (calculated to the tenth of an hour), which is the customary hourly rate charged for my professional services without regard to any premium. If appropriate, I may assign an associate attorney to perform research related to this assignment under my direction. If so, the fee for my services will include fee charges for such associate at customary hourly rates which will be between \$295 and \$350 per hour. The hourly rates for this engagement will not be modified without prior approval by the Court.

6 I expect to incur the typical costs in connection with my duties as Special Master including, but not limited to, long distance telephone charges, special postage, delivery charges, facsimile charges, photocopy charges, court reporter charges, computerized legal research charges, food and refreshment costs for meetings or travel, and if necessary, witness fees. Such costs and expenses will be billed at Duane Morris LLP's actual cost.

7. I will render my invoices monthly and at the conclusion of my services as Special Master, as appropriate. My invoices are payable within fifteen (15) days.

  
Sandra A. Jeskie

Sworn to and subscribed  
before me this 2<sup>nd</sup> day  
of February, 2009.

  
Notary Public

