

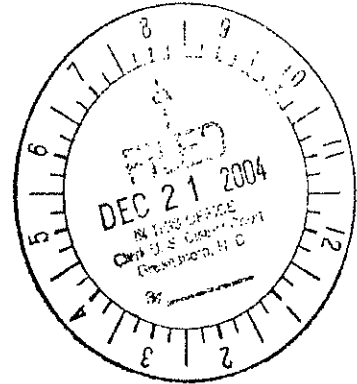
*W/klm*

6. DEC 21 2004

BY: *klm*

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
GREENSBORO DIVISION

CIVIL ACTION NO. 1:04MD1622



ATLANTIC TEXTILES, on behalf of  
itself and all others similarly situated,

Plaintiff,

v. 1:04CV185:

PARKDALE AMERICA, LLC,  
PARKDALE MILLS, INC. and  
UNIFI, INC.,

Defendants.

SOUTH CAROLINA TEES, INC., on  
behalf of itself and all others similarly  
situated,

Plaintiff,

v. 1:04CV233:

PARKDALE AMERICA, LLC,

Defendant.

LISA LESAVOY, successor in interest to  
APPAREL SALES & PRINTING, INC.,  
on behalf of herself and all others similarly  
situated,

Plaintiff,

v. 1:04CV285:

PARKDALE AMERICA, LLC,

Defendant.

ARMEN CO., INC., on behalf of itself  
and all others similarly situated,

Plaintiff,

v. 1:04CV312:

PARKDALE AMERICA, LLC, PARKDALE  
MILLS, INC., and UNIFI, INC.,

Defendants.

PRETRIAL ORDER NO. 1

MEKFIR INTERNATIONAL :  
CORPORATION, on behalf of itself :  
and all others similarly situated, :  
 :  
Plaintiff, :  
v. 1:04CV371: :  
 :

PARKDALE AMERICA, LLC, PARKDALE :  
MILLS, INC., UNIFI, INC., FRONTIER :  
SPINNING MILLS, INC., and AVONDALE :  
MILLS, INC., :  
 :  
Defendants. :  
 :

DELL CARTIER ASSOCIATES, on behalf :  
of itself and all others similarly situated, :  
 :  
Plaintiff, :  
v. 1:CVCV412: :  
 :

PARKDALE AMERICA, LLC, PARKDALE :  
MILLS, INC., UNIFI, INC., FRONTIER :  
SPINNING MILLS, INC., and AVONDALE :  
MILLS, INC., :  
 :  
Defendants. :  
 :

PERFECT FIT GLOVE CO., LLC, on behalf :  
of itself and all others similarly situated, :  
 :  
Plaintiff, :  
v. 1:04CV701: :  
 :

PARKDALE AMERICA, LLC, and :  
PARKDALE MILLS, INCORPORATED., :  
 :  
Defendants. :  
 :

RONALD LITTLE, formerly doing business :  
as STAR FLIGHT HOSIERY, INC., on :  
behalf of himself and all others similarly :  
situated, :

Plaintiff, :

v. 1:04CV726: :

PARKDALE AMERICA, LLC, PARKDALE :  
MILLS, INC., UNIFI, INC., FRONTIER :  
SPINNING MILLS, INC., FRONTIER :  
SPINNING MILLS, LLC; FRONTIER, INC., :  
AVONDALE MILLS, INC., and :  
AVONDALE INCORPORATED, :

Defendants. :

THOMASTON MILLS, INC., by and through :  
Charles Crumley, Trustee in Bankruptcy, on :  
behalf of itself and all others similarly :  
situated, :

Plaintiff, :

v. 1:04CV912: :

PARKDALE AMERICA, LLC, PARKDALE :  
MILLS, INC., and UNIFI, INC., :

Defendants. :

**I. Order of Consolidation**

A. All of the above-captioned actions (including the tag-along actions filed by Perfect Fit (1:04CV701) and Ronald Little (1:04CV726) referred to above) are hereby consolidated for pretrial purposes in this district pursuant to Rule 42(a) of the Federal Rules of Civil Procedure. These actions and similar actions that may be consolidated later with these actions shall be collectively referred to as "In Re Cotton Yarn Antitrust Litigation, Civil Action No. 1:04MD1622."

B. This Order is made without prejudice to the right of any party to apply for a severance of any claim or action.

C. No action taken hereunder shall have the effect of making any person or entity a party to any action in which he, she or it has not been named, served or added in accordance with the Federal Rules of Civil Procedure.

**II. Master Docket, Case File and Separate Action Files**

A Master Docket and Case File is hereby established for the consolidated pretrial proceedings in this action. The Master File shall be Civil Action No. 1:04MD1622. The original of this Order shall be filed by the Clerk of Court in the Master File herein established.

**III. Caption of Cases**

A. Every pleading filed in this consolidated action, or in any separate action included therein, shall bear the following caption:

_____	:	
IN RE: COTTON YARN	:	Civil Action No. 1:04MD1622
ANTITRUST LITIGATION	:	
_____	:	
THIS DOCUMENT RELATES TO:	:	
_____	:	

B. When a pleading is intended to be applicable to all actions to which this Order is applicable, the words "All Actions" shall appear immediately after the words, "This Document Relates To:" in the caption set out above. When a pleading is intended to be applicable only to some, but not all, of such actions, this Court's docket number for each individual action to which the pleading is intended to be applicable and the name of that case, e.g., "South Carolina Tees, Inc. v. Parkdale America, LLC, Civil Action No. 1:04-CV-0233" shall appear immediately after the words "This Document Relates to:".

Henceforth, the parties will use this method of captioning exclusively, and the parties will not use individual case captions as the caption for any documents filed with the Court.

**IV. Newly-Filed or Transferred Actions**

When a civil action that relates to the same subject matter as In re Cotton Yarn Antitrust Litigation, Civil Action No. 1:04MD1622, is hereafter filed in this Court or transferred here from another court, the Clerk of Court shall:

- A. File a copy of this Order in the separate file for such action.
- B. Mail a copy of the notice of assignment to counsel for plaintiffs and counsel for the defendant(s) in the actions consolidated herewith for pretrial purposes.
- C. Make an appropriate entry in the Master Docket.
- D. Mail to the attorneys for the plaintiff(s) in the newly filed or transferred case a copy of this Order.
- E. Upon the first appearance of any new defendant(s), add such newly added defendant(s) to the Master Docket and mail to the attorneys for the newly added defendant(s) a copy of this Order.

The Court requests the assistance of counsel in calling to the attention of the Clerk of the Court the filing or transfer of any case that might properly be consolidated for pretrial purposes with In re Cotton Yarn Antitrust Litigation, Civil Action No. 1:04MD1622.

**V. Application of This Order to Subsequently-Filed Cases**

This Order shall apply to each civil action alleging claims similar to those set forth in In Re Cotton Yarn Antitrust Litigation, Civil Action No. 1:04MD1622, which is subsequently filed in or transferred to this Court, unless the Court otherwise orders upon motion of a party moving for relief from this Order or from any of its provisions within twenty (20) days after the date on which the Clerk of Court mails a copy of this Order to counsel for that party.

**VI. Filing and Docketing**

When a paper is filed and the caption, pursuant to Section III above, shows that it is to be applicable to "All Actions," the Clerk of Court shall file such paper in the Master File, Civil Action No. 1:04MD1622, and note such filing in the Master Docket. No further papers need be filed or docket entries made. Similarly, when a paper is filed and the caption, pursuant to Section III above, shows that it is to be applicable to less than all of the actions that may have been consolidated, the Clerk of Court shall nevertheless file such paper in the Master File only and note such filing in the Master Docket only.

**VII. Rules of Procedure**

Except as otherwise provided herein or by further order of Court, the Federal Rules of Civil Procedure and the Local Civil Rules for the United States District Court for the Middle District of North Carolina (Greensboro Division) shall govern all further proceedings herein.

**VIII. Admission of Attorneys**

Each attorney not a member of the bar of this Court who is acting as counsel for a plaintiff or defendant herein may practice in this Court in these and related cases pursuant to LR 83.1.

**IX. Organization of Plaintiffs' Counsel**

A. Plaintiffs' Interim Co-Lead Counsel: Anthony Bolognese of Bolognese & Associates, LLC, Steven A. Asher of Fox Rothschild LLP, Joseph C. Kohn of Kohn, Swift & Graf, P.C., and Steven A. Kanner of Much Shelist Freed Denenberg Ament & Rubenstein, P.C. shall serve as Interim Co-Lead Counsel for plaintiffs' putative class.

B. Role of Plaintiffs' Interim Co-Lead Counsel: Plaintiffs' Interim Co-Lead Counsel shall be responsible for coordinating and organizing plaintiffs in the conduct of this litigation and, in particular, 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 act as spokesperson at pretrial conferences;
- (d) To negotiate with defense counsel with respect to settlement and other matters;
- (e) To request that the Court approve a proposed settlement and fee petition and to allocate those fees among plaintiffs' counsel;
- (f) To call meetings of plaintiffs' counsel when appropriate;
- (g) To make all work assignments to plaintiffs' counsel to facilitate the orderly and efficient prosecution of this litigation and to avoid duplicative or unproductive effort;
- (h) To conduct trial and post-trial proceedings;
- (i) To consult with and employ experts;
- (j) To perform such other duties and undertake such other responsibilities as they deem necessary or desirable; and
- (k) To coordinate and communicate with defendants' counsel with respect to matters addressed in this paragraph.

C. Plaintiffs' Interim Co-Liaison Counsel: Larry McDevitt of Van Winkle, Buck, Wall, Starnes and Davis, P.A. and Robert C. Cone of Tuggle Duggins & Meschan, P.A. shall serve as Interim Co-Liaison Counsel for plaintiffs.

D. Role of Plaintiffs' Interim Co-Liaison Counsel: Plaintiffs' Interim Co-Liaison Counsel shall have responsibility for the maintenance and distribution of the up-to-date service list; the filing of pleadings and the service of them on defense counsel; the distribution to all plaintiffs' counsel of Court Orders, pleadings and other documents; and the coordination of communication with the Court as required or permitted.

E. Maintenance of Contemporaneous Attorneys' Time and Expense Records: All plaintiffs' counsel shall submit to the designee of Plaintiffs' Interim Co-Lead Counsel a record of the time expended to date in the form set forth by Plaintiffs' Interim Co-Lead Counsel on a monthly basis or on such other schedule as Interim Co-Lead Counsel may establish. Counsel who anticipate seeking an award of attorneys' fees from the Court shall keep daily records of their time spent and expenses incurred in connection with this litigation, indicating with specificity the hours, location, and particular activity. Failure to maintain and timely submit such records will be considered in any fee allocation and will be grounds for denying court-awarded attorneys' fees. Insufficient description of hourly activity will likewise be so considered.

**X. Coordination of Pleadings, Motions and Other Papers**

A. Service of Papers: Defendants shall effect service of papers on plaintiffs in accordance with the Federal Rules of Civil Procedure by serving a copy of the same on both of Plaintiffs' Interim Co-Liaison Counsel. Plaintiffs shall effect service of papers on defendants in accordance with the Federal Rules of Civil Procedure by serving a copy of the same on all counsel of record for each defendant, provided that Plaintiffs need only serve papers on two law firms per defendant. To the extent that more than two law firms appear for any one defendant, counsel for that defendant shall designate which two law firms should be served with papers.

B. Limitation on Length of Briefs: With respect to the briefing of motions, LR7.3(d) is modified so as to allow briefs of up to thirty (30) pages in length in support of motions and in response to motions, and up to fifteen (15) pages in length for reply briefs.

**XI. Communication Among Counsel**

The Court recognizes that cooperation by and among plaintiffs' counsel and by and among defendants' counsel is essential for the orderly and expeditious conduct of this litigation. The communication of information among and between plaintiffs' counsel, or among and between defendants' counsel, shall not be deemed a waiver of the attorney-client privilege or the protection afforded attorneys' work product to the extent that such communications fall within the ambit of the attorney-client privilege, the work product doctrine, and/or the common interest doctrine, and the cooperative efforts contemplated above shall not in any way be used against any plaintiff by any defendant or against any defendant by any plaintiff. Nothing contained in this provision shall be construed to limit the rights of any party or counsel to assert the attorney-client privilege, the attorney work product doctrine, or the common interest doctrine.

**XII. Consolidated Complaint**

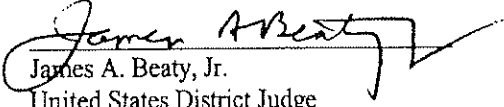
On or before January 7, 2005, plaintiffs shall file and serve a single Consolidated Complaint on behalf of all class action plaintiffs. All defendants shall answer, move or otherwise plead in response to plaintiffs' Consolidated Complaint on or before February 14, 2005. In view of plaintiffs' anticipated filing of a Consolidated Complaint, defendants need not respond to the individual complaints that have been filed and served by the various plaintiffs.

**XIII. Discovery and Class Certification Proceedings**

The next status conference will be on March 3, 2005. Prior to that conference Interim Co-Lead Counsel for plaintiffs putative class and counsel for defendants are expected to confer with respect to a schedule for future proceedings herein. Counsel are expected to submit to the Court any case management proposal on or before February 28, 2005. Defendants are not required to respond to any class certification motions filed prior to the date of this Order. The schedule for filing a class certification

motion and for filing defendants' responses should be addressed by the parties in their submissions due  
February 28, 2005.

Dated: *Dec.*, 21, 2004

  
James A. Beaty, Jr.  
United States District Judge