

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

FILED

IN RE ETHYLENE PROPYLENE :
DIENE MONOMER (EPDM) :
ANTITRUST LITIGATION : 3:03MD1542(PCD)

SEP 11 2 21 PM '03
U.S. DISTRICT COURT
NEW HAVEN, CT

THIS DOCUMENT RELATES TO:
ALL ACTIONS

PRETRIAL ORDER #1

I. Plaintiffs' Co-Lead Counsel

The Court appoints Steven Sidener of Gold Bennett Cera & Sidener LLP, Michael Hausfeld of Cohen Milsten Hausfeld & Toll P.L.L.C., Anthony Bolognese of Bolognese & Associates, and Howard Sedran of Levin, Fishbein, Sedran & Berman as Plaintiff's Co-Lead Counsel for Plaintiffs. Plaintiff's Co-Lead Counsel shall be responsible for the overall conduct of the Ethylene Propylene Diene Monomer (EPDM) Antitrust Litigation. Plaintiffs' Co-Lead Counsel shall have the following responsibilities:

1. To brief and argue motions and file opposing briefs in proceedings initiated by other parties;
2. To initiate and conduct discovery proceedings;
3. To act as spokesperson at pretrial conferences;
4. To negotiate with Defense counsel with respect to settlement and other matters;
5. To request that the Court approve settlements and fee awards;
6. To call meetings of Plaintiffs' counsel when appropriate;
7. 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;
8. To conduct trial and post-trial proceedings;
9. To consult with and employ experts;

10. To perform other such duties and undertake such other responsibilities as they deem necessary or desirable; and
11. To coordinate and communicate with Defendants' counsel with respect to matters addressed in this paragraph.

No motion, request for discovery, or other pretrial proceedings shall be initiated or filed by any Plaintiff except through Plaintiffs' Co-Lead Counsel.

All work performed by any Plaintiffs' counsel in this action must be authorized in advance by Plaintiffs' Co-Lead Counsel.

II. Plaintiffs' Liason Counsel

The Court appoints David Schaefer of Brenner, Saltzman & Wallman LLP as Plaintiffs' Liason Counsel. Plaintiffs' Liason Counsel shall have the following responsibilities:

1. To receive Court Orders, Court notices, Court Correspondence, and telephone calls from the Court on behalf of all Plaintiffs; and
2. To maintain an up-to-date service list of all counsel and for distributing copies of Court Orders, Court notices and Court documents to Plaintiffs' counsel.

III. Maintenance of Contemporaneous Attorney Time and Expense Records

All Plaintiffs' counsel shall submit to Plaintiffs' Co-Lead Counsel a record of the time expended and expenses incurred in the form set forth by Plaintiffs' Co-Lead Counsel on a monthly basis.

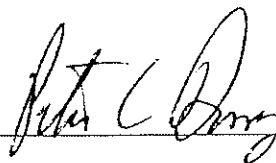
IV. Coordination of Pleadings, Motions, and Other Papers

Defendants shall effect service of papers on Plaintiffs by serving a copy of same on Plaintiffs' Co-Lead Counsel and Plaintiffs' Liason Counsel. As to any action in which a Defendant has received service of the Complaint pursuant to the Federal Rules of Civil Procedure, Plaintiffs shall effect service of papers on such Defendants by serving a copy of same on Defendants' counsel.

The terms of this Order shall not have the effect of making any person, firm, or corporation a party to any action in which he, she, or it has not been named, served, or added as such, in accordance with the Federal Rules of Civil Procedure. The terms of this Order and the coordination ordered herein shall not constitute a waiver by any party of any claims in or defenses to any of these actions.

SO ORDERED.

Dated at New Haven, Connecticut, September 11, 2003.

A handwritten signature in cursive script, appearing to read "Peter C. Dorsey", is written over a horizontal line.

Peter C. Dorsey
United States District Judge