

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

IN RE: U.S. FOODSERVICE, INC. Pricing Litigation	:	CIVIL ACTION NO. 3-07-md-1894 (CFD)
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WATERBURY HOSPITAL, ET AL Plaintiffs	:	CIVIL ACTION NO. 3-06-cv-1657 (CFD)
v.	:	
U.S. FOODSERVICE, INC. Defendant	:	
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CATHOLIC HEALTHCARE WEST Plaintiff	:	CIVIL ACTION NO. 3-08-cv-4 (CFD)
v.	:	
KONINKLIJKE AHOLD N.V., ET AL Defendants	:	
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THOMAS & KING, INC. Plaintiff	:	CIVIL ACTION NO. 3-08-cv-5 (CFD)
v.	:	
KONINKLIJKE AHOLD N.V., ET AL Defendants	:	MAY _____, 2008

**AMENDED PRETRIAL ORDER NO. 1**

In order to promote the just, expeditious and cost-effective resolution of this litigation and to take all necessary actions prior to a decision on any motion for class certification, IT IS HEREBY ORDERED that Pretrial Order No. 1 is amended as follows:

**I. APPOINTMENT OF CO-LEAD COUNSEL**

The following regarding appointment and organization of plaintiff's counsel in 07-md-1894 (CFD), shall amend and replace Pretrial Order No. 1 in Waterbury Hospital, et

al v. U.S. Foodservice, Inc., Civil Action No. 06-1657.

1. The following counsel are designated as co-Lead Counsel (hereinafter “Lead Counsel”) to act on behalf of plaintiffs in these actions and all subsequently filed actions:

James E. Hartley, Jr.  
Drubner, Hartley &  
O’Connor, LLC.  
500 Chase Parkway  
Waterbury, CT 06708  
(203) 753-9291

Joe R. Whatley, Jr.  
Edith M. Kallas  
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-and-

Charles Hellman  
One Penn Plaza, Suite 4507  
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(212) 736-2121

-and-

Richard L. Wyatt, Jr.  
Robert S. Strauss Bldg.  
1333 New Hampshire  
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2. Lead Counsel are expected to maintain communications and promote harmonious dealings among all plaintiffs’ counsel. Lead Counsel shall coordinate and provide general supervision of the activities of plaintiffs’ counsel concerning the conduct of the litigation through discovery, pretrial proceedings, and trial, including formulating and drafting discovery material for plaintiffs in the action, formulating and drafting pleadings, briefs and motion papers, taking and defending depositions, appearing at pretrial conferences and hearings, conducting settlement negotiations on behalf of plaintiffs and the proposed class, and performing such other tasks as may be incidental to the proper coordination of pretrial and trial activities or authorized by further order of the Court.

3. Lead Counsel may establish a steering committee to assist in the coordination of the work to be performed in the prosecution of the case in a manner to assure that pretrial preparation is conducted effectively, efficiently and economically.

4. Lead Counsel shall also maintain lists of all plaintiffs' counsel and their respective addresses and will be responsible for receiving and distributing to all plaintiffs' counsel in the action all notices, orders and other communications from the Court. Lead Counsel shall keep complete files of all materials thus received and make that material available for inspection at reasonable hours.

5. No pleadings or other papers shall be filed or tasks performed by plaintiffs' without the advance approval of Lead Counsel. No discovery shall be conducted by plaintiffs without the advance approval of Lead Counsel.

6. All plaintiffs' counsel shall submit to Lead Counsel a record of time expended and expenses incurred in the manner, form and frequency directed by Lead Counsel.

7. Lead Counsel are designated interim counsel to act on behalf of the putative class in preparation for and prior to any decision on whether a class should be certified in this action. Such designation is limited to the time period prior to a decision on a class certification motion, at which time the Court shall make a determination regarding the appointment of permanent class counsel in the event a class is certified.

## **II. NOTICE OF SUBSEQUENTLY FILED CASES**

1. If a similar, related case is filed in any jurisdiction, all parties bear the responsibility of notifying the Court and all other parties of the filing.

2. This Order shall apply to each case arising out of the same or

substantially the same transactions or events which are subsequently filed in, removed to or transferred to this Court, unless a party objecting to any provision in this order files an application for modification within ten days after such party receives a copy of this order and this Court deems it appropriate to grant the application.

3. This Order may be amended by the Court on its own motion, and any party may apply at any time to this Court for a modification or exception to this Order.

**SO ORDERED.**

Dated at Hartford, Connecticut this 23rd day of May, 2008.

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/s/ Christopher F. Droney  
Christopher F. Droney  
United States District Judge