

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

**IN RE: FRESH AND PROCESS
POTATOES ANTITRUST
LITIGATION**

**Case No. 4:10-MD-2186-BLW
ORDER**

**THIS DOCUMENT RELATES TO:
ALL ACTIONS**

On August 9, 2013, the Court conducted a telephonic case management conference with all counsel. Based upon those discussions, the following deadlines and actions **ARE HEREBY ORDERED**:

1. On or before the August 23, 2013 the parties shall file briefs, not to exceed 5 pages, stating their positions on whether the CMO should be modified to provide for resolution of the Capper-Volstead Act issue earlier in the proceedings than other dispositive motions – possibly to occur while class certification issues are being addressed.
2. On or before August 21, 2013, the parties shall meet and confer in an attempt to resolve the issues related to the Andersen Banducci clients' privilege logs and related production. If the parties cannot resolve the issues, they shall not be required to attempt an informal mediation with the

Court. Instead, the parties shall immediately contact Judge Dale's chambers to determine a briefing schedule and possible hearing on the issues.

3. The Court will enter Case Management Order No. 5 after it reviews the parties' positions on the matters discussed in item no. 1 above.



DATED: August 9, 2013

A handwritten signature in black ink, reading "B. Lynn Winmill".

B. Lynn Winmill
Chief Judge
United States District Court