UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

3:11md2231-MAP

IN RE: LEAD CONTAMINATED FRUIT JUICE PRODUCTS MARKETING AND SALES PRACTICES LITIGATION

MDL ORDER NO. 1

June 24,2011

PONSOR, D.J.

1. This Order shall govern the practice and procedure in those actions transferred to this court by the Judicial Panel on Multidistrict Litigation pursuant to its order of April 20, 2011, and entitled Lead Contaminated Fruit Juice Products Marketing and Sales Practice Litigation, and any tag along actions transferred by the Panel after that date. This court will decide the applicability of this Order No. 1 to any case heretofore or hereafter filed as a related case, on motion of any party in each such case.

2. The actions subject to this Order are coordinated for pretrial purposes.

3. An MDL master file and docket is hereby established under Docket No. 3:11md2231-MAP. All pleadings and other papers filed in these actions shall bear this docket number and the following caption:

IN RE: LEAD CONTAMINATE FRUIT JUICE PRODUCTS MARKETING AND SALES PRACTICE LITIGATION
THIS DOCUMENT RELATES TO:

4. When a pleading or other paper relates to all actions covered by this Order, the words "All Actions" shall appear immediately after or below the words "THIS DOCUMENT RELATES TO:" in the caption. Filings related to "All Actions" shall be made in the master docket. When a pleading or other paper relates to fewer than all of such actions, the separate caption and docket number assigned by the Clerk of this court for each individual action to which the pleading relates shall appear immediately after or below the words "THIS DOCUMENT RELATES TO:" Filings related to fewer that "All Actions" shall be made in the master docket and each individual action.

5. All pleadings and other papers shall be filed electronically with the Clerk of this court, not the transferor court. No copies will be necessary. All counsel shall familiarize with this district's CM/ECF policies and procedures and file an Electronic Case Filing System-Attorney Registration Form available on the court's website. In the MDL Case Number field on the ECF Registration Form, counsel shall note both the master MDL case number and the individual Massachusetts case number in which they have an appearance.

6. Counsel who appeared in the transferor district court prior to the transfer need not enter a separate appearance in this court. No parties in any of the transferred actions shall be required to obtain local counsel in this district and the

requirements of Local Rule 83.5.3(b) are waived as to any attorney who filed an appearance in a transferred action and is duly admitted to practice before any United States Court. Any attorney not admitted in this district who seeks to appear in a case not transferred as part of MDL 2231, but consolidated with it, must do so by filing a motion to appear pro hac vice in the individual case in accordance with Local Rule 83.5.3(b)and not through the Master Docket.

7. This Order shall be filed and docketed on the Master Docket and the docket of each of the individual cases consolidated under the Master Docket Number, at present and thereafter.

8. Plaintiff's lead counsel shall prepare and maintain the Panel Attorney Service List including the individual case number, party name represented, attorney name and e-mail address which shall be provided to the Clerk and all attorneys on the List. Attorneys who later wish to have their names added or deleted from the List may so do by request to the plaintiff's lead counsel with notice to the Clerk and all other persons on the List. Only one attorney for each party separately represented shall be included in the List.

9. The court appoints Whately Drake & Kallas, LLC as Lead Class Counsel. Only plaintiffs' lead counsel and defendants' counsel

shall be listed on the Master Docket. All other counsel will only appear on the docket of their individual case. Plaintiffs' lead counsel are responsible for notifying all counsel for the consolidated plaintiffs of any and all filings in the Master Docket 3:11md2231-MAP.

10. Plaintiffs shall file any further consolidated complaint or amended complaints by July 8, 2011. Any answers or other responses to the operative complaints shall be filed by July 29, 2011. If defendants' response to the operative complaints is by motion to dismiss, the plaintiffs shall file their opposition and briefs by September 9, 2011. Any reply briefs shall be filed by October 7, 2011.

11. Any orders, other than orders setting deadlines previously entered by this or any transferor court district shall remain in full force and effect unless modified by this court upon application. All deadlines established prior to transfer of these actions are suspended.

Michael A. Ponsor

United States Distict Court Judge