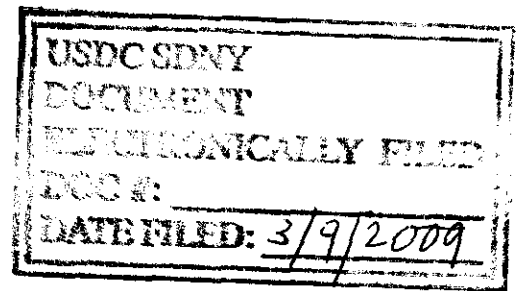


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



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IN RE : MDL No. 1409
: :
CURRENCY CONVERSION FEE : M 21-95
ANTITRUST LITIGATION :
: :
----- X
THIS DOCUMENT RELATES TO: : Index No. 05 CV 07116 (WHP)
: :
ROBERT ROSS, et al., :
: :
Plaintiffs, :
: :
-against- :
: :
BANK OF AMERICA, N.A. (USA), et al., :
: :
Defendants. :
----- X

SCHEDULING ORDER

The parties have met and conferred on the subject of pre-trial discovery and other scheduling matters in this matter. On January 23, 2009, the Court conducted a status conference to address the same topics. On February 3, 2009, the Court convened a telephonic conference to further discuss scheduling issues with the parties. Pursuant to Fed.R.Civ.P. Rule 16(b), this Order embodies and reflects the Court's rulings made during those conferences, and the parties' scheduling agreements.

1. No additional causes of action, or claims for relief or prayers for relief, may be asserted after March 31, 2009. No additional parties may be joined after May 15, 2009. No additional affirmative defenses may be asserted after April 30, 2009, other than by any new parties which may be joined.

2. Written and document discovery may begin immediately.

3. Fact witness depositions may commence on or after March 16, 2009.

4. Each side is collectively limited to 25 fact witness depositions. This ruling presumes that the parties are able to reach agreement on the use of depositions from *Ross v. American Express Co.*, No. 04 Civ. 5723 (WHP) (S.D.N.Y.), and *In re Currency Conversion Fee Antitrust Litigation*, Master File No. M 21-95; MDL No. 1409 (S.D.N.Y.). A party may seek leave to modify these limits for good cause shown.

5. The parties' responses to any interrogatories subject to Local Rule 33.3(c) shall be due two weeks following the date on which the parties' respective merits expert reports are due.

6. Fact discovery shall be completed by January 29, 2010. No depositions will be taken, or other discovery scheduled to be due, during the interval from December 21, 2009 through January 6, 2010.

7. Due dates with respect to class certification are as follows:

(a) Plaintiffs will serve their expert report(s) on class certification on June 3, 2009. Plaintiffs will make available for deposition by July 10, 2009 any experts whose reports they have served.

(b) Defendants will serve their expert report(s) on class certification on July 31, 2009. Defendants will make available for deposition by August 21, 2009 any experts whose reports they have submitted in support of their opposition papers.

(c) Plaintiffs will serve their rebuttal expert report(s) on class certification on September 11, 2009. Plaintiffs will make available for deposition by September 30, 2009 any experts whose rebuttal reports they have served.

(d) Plaintiffs will file and serve their class certification motion and supporting brief by October 5, 2009.

(e) Defendants will file and serve their opposition papers by November 4, 2009.

(f) Plaintiffs will file and serve their reply in support of class certification by November 25, 2009.

8. Due dates with respect to merits expert reports are as follows:

(a) Plaintiffs' merits expert report(s) shall be served by March 5, 2010, and their experts made available for deposition with respect to such reports by April 2, 2010.

(b) Defendants' expert report(s) shall be served by May 14, 2010, and their experts made available for deposition with respect to such reports by June 4, 2010.


(c) Plaintiffs' rebuttal expert report(s), if any, shall be served by June 18, 2010, and the experts who have submitted such rebuttal reports made available for deposition with respect to such reports by July 9, 2010.

9. In accordance with the Court's Rules of Individual Practice, the parties will submit pre-motion letters regarding any dispositive motions no later than July 23, 2010.

10. The parties will submit a joint letter to the Court concerning the status of the case on February 1, 2010, with the letter to be followed by a status conference with the Court.

Dated: March 9, 2009

SO ORDERED:


William H. Pauley, III, U.S.D.J.