

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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IN RE MUSHROOM DIRECT	:	Master File No. 06-0620
PURCHASER ANTITRUST	:	
LITIGATION	:	
	:	
THIS DOCUMENT RELATES TO:	:	
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	:	
Direct Purchaser Class Action	:	
	x	

**DIRECT PURCHASER CLASS PLAINTIFFS’ MOTION FOR PRELIMINARY
APPROVAL OF SETTLEMENTS AND APPROVAL OF
THE FORM AND MANNER OF NOTICE TO THE CLASS
AND CLASS PLAINTIFFS’ PROPOSED SCHEDULE FOR FINAL APPROVAL**

Pursuant to Federal Rule of Civil Procedure 23, Direct Purchaser Class Plaintiffs (“Plaintiffs” or “Class Plaintiffs”) respectfully move for entry of an Order to: (1) grant preliminary approval of the proposed Direct Purchaser Class Settlements with Defendants J-M Farms, Inc. (“J-M”), Mushroom Alliance, Inc. (“the Mushroom Alliance”), Franklin Organic Mushroom Farms, Inc., formerly known as Franklin Farms, Inc. (“Franklin”), Mario Cutone Mushroom Co., Inc. (“Cutone”), M.D. Basciani and Sons, Inc. (“Basciani”), and a group of Defendants identified as “Certain Defendants”¹ (collectively “Settling Defendants”); (2) approve

¹ “Certain Defendants” are: Eastern Mushroom Marketing Cooperative, Inc. (“EMMC”); Robert A. Ferranto, Jr. t/a Bella Mushroom Farms; Brownstone Mushroom Farms, Inc.; To-Jo Fresh Mushrooms, Inc.; Country Fresh Mushroom Co.; Gino Gaspari & Sons, Inc.; Gaspari Mushroom Co., Inc.; Kaolin Mushroom Farms, Inc.; South Mill Mushroom Sales, Inc.; Modern Mushroom Farms, Inc.; Sher-Rockee Mushroom Farm, LLC; C&C Carriage Mushroom Co.; Phillips Mushroom Farms, Inc.; Louis M. Marson, Jr., Inc.; Monterey Mushrooms, Inc.; Forest Mushroom, Inc.; Harvest Fresh Farms, Inc.; Leone Pizzini and Son, Inc.; LRP-M Mushrooms

the form and manner of notice described in the accompanying Memorandum of Law and annexed hereto as Exhibit 8 to the Declaration of Bruce E. Gerstein; (3) appoint Rust Consulting LLP as settlement administrator; (4) appoint First State Trust Company as escrow agent for Plaintiffs' settlements with Basciani and Certain Defendants; (5) set a schedule for approval of the Settlements that includes a date for a final fairness hearing; and (6) stay proceedings in the Direct Purchaser Class Action against the Settling Defendants until such time as the Court renders a final decision regarding the approval of the Settlements.

The grounds for this motion are set forth in the accompanying Memorandum of Law, the Declaration of Bruce E. Gerstein, and the exhibits thereto. Plaintiffs' proposed order is attached as Exhibit 7 to the Declaration of Bruce E. Gerstein.

Respectfully submitted,

Dated: July 11, 2019

s/ Barry L. Refsin
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LLC; United Farm Cooperative, Inc.; Masha & Toto, Inc., trading as M&T Mushrooms; Oakshire Mushroom Farm, Inc.; W&P Mushroom, Inc.; and John Pia.

CERTIFICATE OF SERVICE

I, Barry L. Refsin, certify that on this 11th day of July, 2019, I caused the foregoing Direct Purchaser Class Plaintiffs' Motion for Preliminary Approval of Settlements and Approval of the Form and Manner of Notice to the Class and Class Plaintiffs' Proposed Schedule for Final Approval to be filed on the Court's ECF system where it is available for viewing and downloading.

s/ Barry L. Refsin

Barry L. Refsin