



(3) Pursuant to Fed. R. Civ. P. 23(c)(1)(B), the Special Master identifies the following Class claims and issues:

(a) Whether Defendants engaged in a contract, combination or conspiracy to fix, raise, maintain or stabilize prices of K-Dur 20;

(b) Whether the alleged contract, combination or conspiracy was an unreasonable restraint on trade;

(c) Whether the alleged contract, combination or conspiracy affected interstate commerce;

(d) Whether Defendants engaged in conduct that violated Section 1 of the Sherman Act;

(e) Whether the alleged conduct of Defendants caused injury to the business or property of Plaintiff Louisiana Wholesale Drug Co. ("LWD") and the Class;

(f) The appropriate measure of damages sustained by LWD and the Class.

(4) Pursuant to Fed. R. Civ. P. 23(c)(1)(B), the following law firms are appointed as co-lead Class Counsel: Berger & Montague, P.C. and Garwin, Gerstein & Fisher, LLP

(5) By **May 15, 2008**, the Parties shall jointly submit to the Special Master a Class notice program and proposed forms of notice to the Class. If the Parties are unable to agree on the form of notice to the class, the Parties shall submit to the Special Master and serve upon all counsel proposed notice programs and forms of notice, accompanied by a memorandum in support of that Party's position. Each Party shall submit to the Special Master and serve upon all counsel its response to the other's proposed notice programs and forms of notice no later than **May 30, 2008**. Following the receipt of the parties' submissions, the Special Master shall

schedule argument at a mutually convenient time to resolve any disputes regarding the notice to the class.

ENTERED this  
14th day of April, 2008

*s/ Stephen M. Orlofsky*  
STEPHEN M. ORLOFSKY  
SPECIAL MASTER