

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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IN RE

AIR CARGO SHIPPING SERVICES
ANTITRUST LITIGATION

M.D.L. No. 1775
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ORDER

MD 06-1775 (JG) (VVP)

ALL CASES

JOHN GLEESON, United States District Judge:

Because I agree with the reasoning and conclusion of Judge Pohorelsky's October 16, 2007 Report and Recommendation ("R&R"), and because I find the objections to be without merit, I adopt the R&R and make explicit that the reservation language sought by the non-settling defendants will be included. Specifically, the following language shall be included in the order granting preliminary approval of the settlement:

The Court's certification of the Settlement Class as provided herein is without prejudice to, or waiver of, (i) the rights of any defendant to contest certification of any other class proposed in these consolidated actions; or (ii) the rights and/or arguments asserted by any defendant in a motion to dismiss. The Court's findings in this Order shall have no effect on the Court's ruling on any motion to certify any class in these actions or on the Court's rulings concerning any defendant's motion to dismiss; and no party may cite or refer to the Court's approval of the Settlement Class as persuasive or binding authority with respect to any motion to certify any such class or any defendant's motion to dismiss.

So ordered.

John Gleeson, U.S.D.J.

Dated: January 10, 2008
Brooklyn, New York