

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

IN RE: READY-MIXED CONCRETE ANTITRUST LITIGATION,)	Master Docket No. 1:05-cv-00979-SEB-JMS
THIS DOCUMENT RELATES TO: ALL ACTIONS)	

**ORDER GRANTING PLAINTIFFS’ MOTION FOR RELIEF REGARDING OUTSIDE
SETTLEMENT CLAIMS SERVICE NATIONAL EQUITY SETTLEMENT SERVICES
Docket No. 759**

This matter comes before the court on the Motion of Plaintiffs for Relief Regarding Outside Settlement Claims Service National Equity Settlement Services (“NESS”). [Docket No. 759.] The court, having reviewed Plaintiffs’ Motion and supporting materials, and otherwise being duly advised in the premises, now finds that Plaintiffs’ Motion should be GRANTED.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED, pursuant to authority granted by the All Writs Act, 28 U.S.C. § 1651(a), and as part of the court’s supervision of the settlements it previously approved, that:

- As a matter of fact and law, the court rules that NESS’s efforts or services have not generated any entitlement to payment to it by class members, that the only efforts deserving of or otherwise entitled to reimbursement or compensation are those rendered by Class Counsel.
- Any contracts, agreements, or powers of attorney between NESS and any potential class members are hereby declared void *ab initio*. NESS shall, at its sole expense, within ten (10) days of this Order, send a court-approved letter to potential class members with whom it has such contracts, agreements, or powers of attorney to notify them of such voiding.
- NESS is deemed to have voluntarily submitted itself to the jurisdiction of this Court and shall henceforth obtain Court approval before providing claims assistance to class members.

- NESS shall, within five (5) days of this Order, provide Class Counsel with:
 - The names, phone numbers, and addresses of all potential class members NESS contacted or attempted to contact, and the dates of such contacts.
 - The names, phone numbers, and addresses of all potential class members with whom NESS has entered into any contracts or agreements, or who have executed powers of attorney.

NESS shall update such information to Class Counsel on a weekly basis until the claims process is complete.

- All settlement awards will be mailed and made payable directly and solely to the class members.
- Plaintiffs have no obligation to honor NESS claim forms.
- The foregoing protocol and requirements apply with equal force to all other claims services that offer their services to potential class members.
- Plaintiffs are directed to place this order in conspicuous view on the website they have established relating to this litigation.

SO ORDERED.

Date: 12/09/2009



SARAH EVANS BARKER, JUDGE
United States District Court
Southern District of Indiana