

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION**

**BEST PALLETS INC. and BEST INDUSTRIAL PALLETS, L.L.C., by and through their President and Owner JAMES L. TAYLOR; ITNOLAP PALLET & CRATING, INC., by and through its President and Owner WILLIAM M. CLARK; ITNOLAP PALLET & CRATING, L.L.C., by and through its President and Half-Owner WILLIAM M. CLARK; PALLET EXPRESS, INC., by and through its Vice-President and Owner LYNN RIDGE BELL; and GOEMAN'S WOOD PRODUCTS, INC., by and through its President and Owner DANNY J. GOEMAN, for themselves and all others similarly situated,
PLAINTIFFS AND PROPOSED CLASS REPRESENTATIVES,**

vs.

**BRAMBLES INDUSTRIES, INC., and
BRAMBLES NORTH AMERICA, INC., d/b/a
CHEP USA,
DEFENDANTS.**

Case No. 08-2012

The Honorable Robert T. Dawson
District Judge

ORAL ARGUMENT REQUESTED

**MOTION FOR CERTIFICATION OF INTERLOCUTORY APPEAL
PURSUANT TO 28 U.S.C. § 1292(b)**

Come now Defendants Brambles North America, Inc., and Brambles Industries, Inc., d/b/a CHEP USA (collectively "CHEP"), and for its Motion for Certification of Interlocutory Appeal Pursuant to 28 U.S.C. § 1292(b), state:

1. CHEP hereby respectfully moves the Court to certify for interlocutory appeal its order of August 11, 2008, denying Defendants' motion to dismiss and, in particular, the legal question of whether Plaintiffs' Complaint adequately states a claim under Section 2 of the Sherman Act.

2. CHEP is filing herewith its Memorandum in Support of Motion for Certification of Interlocutory Appeal Pursuant to 28 U.S.C. § 1292(b), and CHEP incorporates that Memorandum into this Motion by reference.

WHEREFORE, Defendant CHEP prays that its appeal pursuant to 28 U.S.C. § 1292(b) be certified, and for all other proper relief to which it may be entitled.

Respectfully submitted,

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By: /s/Eric Mahr
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CERTIFICATE OF SERVICE

I, Eric Mahr, hereby certify that on the 19th day of August, 2008, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which shall send notification of such filing to the following:

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