

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF ARKANSAS**

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
Judge Robert T. Dawson

**ANTITRUST CLASS ACTION
PLAINTIFFS' MOTION FOR
CLASS CERTIFICATION**

CLASS REPRESENTATION

**ANTITRUST CLASS ACTION PLAINTIFFS'
MOTION FOR CLASS CERTIFICATION**

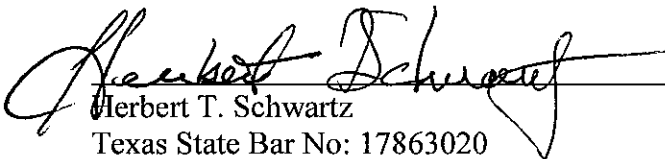
Pursuant to Rule 23, Federal Rules of Civil Procedure and this court's local Rule 23(1), the named plaintiffs in the above styled action apply to this court for the entry of its order certifying a class of pallet recyclers engaged in the industry of recycling 48" x 40" wood pallets as defined in the complaint in this action (Doc. 1); the handling of which requires class members to come into possession of 48" x 40" wood pallets over which the defendant claims ownership.

The existence of facts indicating that the proposed class meets the criteria of Rule 23, Fed.R.Civ.P. including the criteria for a 23(b)(3) class, has been established by Professors Judd Michael, Ph.D., Charles Ray, Ph.D. of Pennsylvania State University (*See* Exhibit No. 6A and 6B contemporary memorandum). Professor Marshall S. White, Ph.D. of Virginia Polytechnic University (Exhibit No. 6E) to memorandum. Gary French, Ph.D. and Stephen Schneider, Ph.D., both of Nathan Associates, Inc. of Arlington, Virginia, (*See* Exhibit No. 6C and 6D also attached to contemporary memorandum).

The Honorable Walter Herbert Rice, Chief Judge, presiding at Buckeye case cause no. C-3-01-440, S.D. Ohio (W.D.) – Doc Entry 61 – order of August 11, 2003 at page 10, notes that CHEP Vice President for Asset Recovery stated in affidavit that CHEP recognizes the existence of more than 4,000 in the U.S. many of whom come into possession of CHEP pallets. *See* FN # 16 at p. 13 of accompanying memorandum re: numerosity criteria of Rule 23(a).

In support of this motion plaintiffs submit to the court a memorandum of law that comprehensively complies with local Rule 23.1 by covering all issues relating to class certification.

Respectfully submitted,



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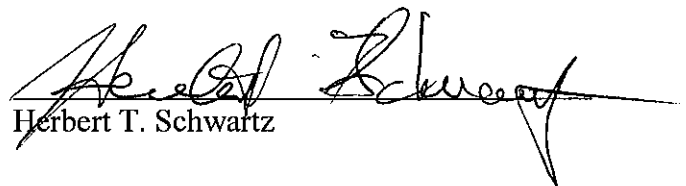
OF COUNSEL

CERTIFICATE OF SERVICE

I, Herbert T. Schwartz, hereby certify that on November 13, 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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