

IN THE UNITED STATES DISTRICT COURT
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

v. Case No: 08-2012

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

DEFENDANTS

O R D E R

Currently before the Court is Defendant CHEP's Motion for Leave to Depose Recyclers Examined and Relied on by Plaintiffs' Experts. (Doc. 65). CHEP requests the Court's permission to depose four nonparty members of the alleged class whose operations have been extensively studied by Plaintiffs' experts in developing Plaintiffs' evidence for the demonstration of a class. So that Defendants may properly challenge Plaintiffs' proposed class, the depositions will be permitted. However, each deposition is subject to the following conditions: (1) it must be limited in subject matter to the requirements of Federal Rule of Civil Procedure 23 and to the contents and/or premises of the preliminary study of Plaintiffs' experts; and (2) it is not to exceed a duration of four hours. Accordingly, the Court, being well and sufficiently

advised, finds that the Motion should be **GRANTED** subject to the conditions set out in this Order.

IT IS SO ORDERED this 23rd day of January, 2009.

/s/ Robert T. Dawson
Honorable Robert T. Dawson
United States District Judge