

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

**IN RE: BLUE CROSS BLUE SHIELD  
ANTITRUST LITIGATION  
(MDL No.: 2406)**

}  
}  
}  
}  
}  
}  
}  
}

**Master File No.: 2:13-CV-20000-RDP**

This document relates to all cases.

**CASE MANAGEMENT ORDER NO. 3 –  
ORDER APPOINTING INTERIM COMMITTEE CHAIRS AND COMMITTEE  
MEMBERS FOR THE PLAINTIFF SUBSCRIBER AND PROVIDER TRACKS**

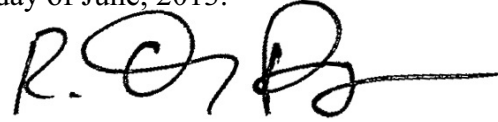
On April 29, 2013, the Special Master filed his Report Recommending Interim Committee Chairs and Committee Members for Plaintiffs' Subscriber and Provider Tracks. (Doc. # 62). On April 30, 2013, the court ordered any interested party with an objection to the recommended slate for Interim Committee Chairs and Committee Members to file an objection on or before May 7, 2013. On May 7, 2013, a single objection was filed by Certain Defendants.<sup>1</sup> (Doc. # 66). The objections contained therein do not go to selection of any of the particular attorneys, but rather contest the number of attorneys. That is, the objectors assert that resources will be unnecessarily utilized at this early stage of the case, before early motions directed at the adequacy of the Complaint(s) are even filed. The court is obviously not in the position to determine the success or failure of early motion practice. It does note, however, that Plaintiffs' counsel are as able as Defendants' counsel to evaluate the potential success or failure of such motions and how they wish to organize and allocate their resources at this early stage of the litigation. There is simply no reason for the court to intervene in that decision.

---

<sup>1</sup> Defendants Blue Cross Blue Shield of Kansas City, Blue Cross and Blue Shield of Kansas, Inc., Blue Cross and Blue Shield of Nebraska and Blue Cross of Idaho Health Services, Inc.

Therefore, the objections contained in the Response of Certain Defendants on Rule 53 Report of Special Master (Doc. # 66) are **OVERRULED**. There being no other objection, the court hereby **ADOPTS** the Special Master's Rule 53 Report Recommending Interim Committee Chairs and Committee Members for the Plaintiff Subscriber and Provider Tracks (Doc. # 62) in its entirety.

**DONE and ORDERED** this 4th day of June, 2013.

A handwritten signature in black ink, appearing to read 'R. David Proctor', written over a horizontal line.

**R. DAVID PROCTOR**  
UNITED STATES DISTRICT JUDGE