

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

IN RE: COPPER ANTITRUST LITIGATION

M.D.L. Docket No. 1303

SOUTHWIRE COMPANY and GASTON
COPPER RECYCLING CORPORATION,

ORDER

Plaintiffs,

02-C-0707-C

v.

J.P. MORGAN CHASE & CO., as successor
to J.P. MORGAN & CO., INC.; MORGAN
GUARANTY TRUST COMPANY OF NEW
YORK; SUMITOMO CORPORATION;
SUMITOMO CORPORATION OF AMERICA;
YASUO HAMANAKA; and GLOBAL MINERALS
AND METALS CORPORATION,

Defendants.

Defendants Sumitomo Corporation and Global Minerals and Metals Corporation have moved for reconsideration of this court's August 15, 2003 order denying their motion to set a briefing schedule on their motion to dismiss the complaint against them. Defendants argue that they can satisfy the court's preconditions to the filing of such a motion (their motion is limited to statute of limitations issues that can be resolved on a motion to dismiss and the chance of success is great enough to warrant the expenditure of time to resolve a motion to dismiss) and should be allowed the opportunity to be heard.

When I entered the August 15 order, I overlooked the paragraph in the April 4, 2003 scheduling order addressing motions to dismiss. Defendants are correct that this order contemplated the filing of such motions. Defendants have made a relatively strong showing that they have raised (and can support) meritorious grounds for dismissing plaintiffs' complaint against them. Therefore, I will grant their motion to reconsider and will set a schedule for briefing.

ORDER

IT IS ORDERED that plaintiffs Southwire Company and Gaston Copper Recycling Corporation may have until September 24, 2003, in which to file and serve a brief in opposition to defendants Sumitomo Corporation and Global Minerals and Metals Corporation's motion to dismiss the complaint. The moving defendants may have until October 7, 2003, in which to file and serve a reply brief.

Entered this 3rd day of September, 2003.

BY THE COURT:

BARBARA B. CRABB
District Judge