

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

Amended May 11, 2009

#CCO-104

Misc. No. 09-8027

In Re: Chocolate Confectionary Antitrust Litigation

The Hershey Company; Hershey Canada, Inc.;
Mars, Incorporated; Mars Snackfood US LLC;
Cadbury Adams Canada, Inc.; Nestle USA, Inc.,
Petitioners

(M.D. Pa. 08-MDL-01935)

Present: RENDELL, HARDIMAN and COWEN, Circuit Judges

1. Petition for Permission to Appeal Under 28 U.S.C. Section 1292(b) filed by The Hershey Company; Hershey Canada Inc.; Mars, Incorporated; Nestle USA, Inc., Mars Snackfood US LLC; and Cadbury Adams Canada Inc.
2. Response in opposition filed by Respondents Direct Purchasers, Indirect End Users and Indirect Purchases to Petition for Permission to Appeal.
3. Response in opposition filed by Respondents Individual Plaintiffs to Petition for Permission to Appeal.
4. Motion filed by Petitioners Hershey Canada Inc and Hershey Co for leave to file a Reply to Response in Support of Petition
5. Reply filed by Petitioners Hershey Canada Inc and Hershey Co to Response to Petition for Permission to Appeal.

/s/Carolyn Hicks

Case Manager, 267-299-4926

ORDER

The foregoing Motion for Permission to Appeal is DENIED. IT IS FURTHER ORDERED that Petitioners Hershey Canada Inc. and Hershey Co.'s Motion for leave to file a Reply is DENIED as moot.

By the Court,

/s/ Thomas M. Hardiman
Circuit Judge

Dated: May 14, 2009

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