



(i) pursuant to Federal Rule of Civil Procedure 15(a), for leave to amend the Amended and Supplemental Complaint (the "Complaint") by the addition of Appendix B-6 (a copy of which is annexed as Exhibit A to the cross-moving declaration of Carl E. Person dated April 24, 2006);

(ii) alternatively, if the Court upholds plaintiffs' allegations that "product lines" as described in the Complaint are "products" covered by Sections 2(a)/2(f) and 2(d)/2(e) of the Robinson-Patman Act and meet the pleading requirements for "like grade and quality" and "contemporaneous purchase", for leave under Rule 15(a), F.R.Civ.P., to further amend and simplify the Complaint by removal of the extraneous product-based allegations not needed for proving plaintiff's product-line allegations;

(iii) for leave under Rule 15(a), F.R.Civ.P. to amend the Complaint as to any non-futile amendments needed to cure any pleading defects found by the Court; and

(iv) for such other and further relief this Court deems just and equitable.

**PLEASE TAKE FURTHER NOTICE** that defendants response, if any, to this cross motion shall be due no later than **June 19, 2006**, the date for defendants to serve and file their replies, if any, as to defendants' motions to dismiss.

**Dated: New York, New York**  
**April 24, 2006**

Respectfully submitted,



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To: All defendants' counsel listed in accompanying Certificate of Service.