

LEONARD, STREET AND DEINARD

PROFESSIONAL ASSOCIATION

August 11, 2000

David R. Crosby
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Via Messenger

Frederick K. Grittner
Supreme Court Administrator
Supreme Court
305 Minnesota Judicial Center
25 Constitution Avenue
St. Paul, MN 55155-6102

OFFICE OF
APPELLATE COURTS
AUG 11 2000

C3-00-1454

FILED

Re: **Motion to Consolidate**
Daniel Gordon v. Microsoft Corporation
Civil No. 00-5994
and
Philip A. Mednick v. Microsoft Corporation
Civil No. CO-00-1276

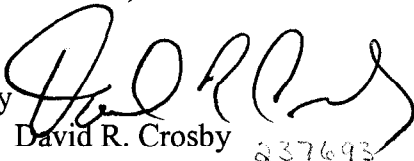
Dear Mr. Grittner:

Enclosed for filing with the Minnesota Supreme Court please find the original and four copies of the following documents:

1. Notice of Motion and Motion by Microsoft Corporation to Transfer and Consolidate Related Cases;
2. Memorandum of Law in Support of Motion by Microsoft Corporation to Transfer and Consolidate Related Cases; and
3. Affidavit of David R. Crosby in Support of Motion by Microsoft Corporation to Transfer and Consolidate Related Cases.

Respectfully submitted,

LEONARD, STREET AND DEINARD

By 
David R. Crosby 237693

DRC:map
Enclosures

Frederick K. Grittner

August 11, 2000

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cc: Richard M. Hagstrom, Esq. (w/o enc.) 39445
Vincent J. Esades, Esq. (w/o enc.) 249361
James B. Hovland, Esq. (w/o enc.) 47491

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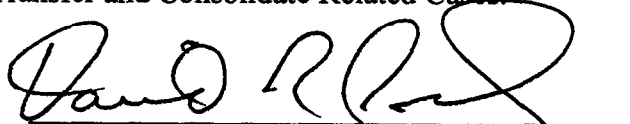
AUG 11 2000

**NOTICE OF MOTION AND MOTION BY MICROSOFT
CORPORATION TO TRANSFER AND CONSOLIDATE RELATED CASES**

TO: Plaintiff Daniel Gordon, and his counsel, Richard M. Hagstrom, Esq., ZELLE HOFFMAN VOELBEL & GETTE LLP, City Center, Suite 4400, 33 South Sixth Street, Minneapolis, MN 55402, and Vincent J. Esades, Esq., HEINS MILLS & OLSON, P.L.C., 700 Northstar East, 608 Second Avenue South, Minneapolis, MN 55402; and Plaintiff Philip A. Mednick, and his counsel, James B. Hovland, Esq., KRAUSE & ROLLINS, 310 Groveland Avenue, Minneapolis, MN 55403.

PLEASE TAKE NOTICE THAT, pursuant to Section 480.16 of the Minnesota Statutes and Rule 42.01 of the Minnesota Rules of Civil Procedure, Microsoft Corporation, Defendant in the above-captioned cases, moves this Court for an order transferring and consolidating the above-captioned cases, in addition to any related case that may be remanded to Minnesota state district court from *In re Microsoft Corp. Antitrust Litigation*, MDL Docket No. 1332, and any future actions filed in Minnesota state district court raising similar claims and factual allegations as those alleged in the Complaints in the above-captioned actions. The basis for the motion is that a consolidation and transfer of these cases will further the interests of the parties and the judiciary by a uniform and coordinated system of litigation management to eliminate duplicative discovery, prevent inconsistent pretrial rulings (including rulings concerning class certification), and will conserve the resources of the parties, their counsel, and the judiciary. The motion is based on all the files, records and proceedings herein, including the accompanying Memorandum of Law in Support of Motion to Transfer and Consolidate Related Cases, and the Affidavit of David R. Crosby in Support of Motion to Transfer and Consolidate Related Cases.

Dated: August 10, 2000



George F. McGunnigle (#70701)

David R. Crosby (#237693)

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