

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

IN RE: POOL PRODUCTS DISTRIBUTION	*	MDL NO. 2328
MARKET ANTITRUST LITIGATION	*	
	*	SECTION R/2
THIS DOCUMENT RELATES TO:	*	
	*	
<i>Kistler, et al. v. Pool Corporation, et al,</i>	*	CHIEF JUDGE VANCE
<i>No. 12-1284 (Indirect Purchaser Plaintiffs)</i>	*	MAG. JUDGE WILKINSON

SPECIAL MASTER’S PRELIMINARY ALLOCATION REPORT
(Regarding the Pentair IPP Settlement)

Pursuant to this Court’s Order of August 24, 2015¹, and in accordance with Fed. R. Civ. Pro. 53, the undersigned Special Master submits the following recommendations for allocating the \$600,000 settlement fund resulting from the settlement between Indirect Purchaser Plaintiffs (IPPs) and Pentair Water Pool & Spa, Inc. (Pentair).²

The Special Master previously submitted a Preliminary Allocation Report on October 1, 2014, regarding the Hayward IPP settlement only.³ The Special Master made four recommendations in that report: (1) apportionment of settlement funds among a single class of IPPs rather than separate apportionments among the four states of Arizona, California, Florida, and Missouri; (2) a *pro rata* allocation among claimants based on the dollar amount of settlement-qualifying Pool Products purchased by each claimant during the settlement period; (3) certain documentation protocols for verification of claims by the Claims Administrator; and (4)

¹ Rec. Doc. No. 672.

² This report is preliminary because the Court has not yet ruled on the motion for preliminary approval of the proposed Pentair settlement, and changes to these recommendations may be necessary depending on the ruling of the Court on that motion.

³ Rec. Doc. No. 485.

enhancement payments to Class Representatives. Each of these recommendations was made after considering the terms and amount (\$1,500,000) of the Hayward IPP settlement.

After the Preliminary Allocation Report was filed, defendant Zodiac settled with IPPs in the amount of \$500,000. The Special Master reviewed the Zodiac settlement and issued a supplemental allocation report⁴ recommending that: (1) the same protocols concerning apportionment, allocation, and documentation requirements set forth above should also apply to the Zodiac settlement; (2) the two settlements should be treated as a single fund of \$2,000,000 for the purposes of allocation and distribution; and (3) the enhancement payments for Class Representatives should be increased from \$1,500 each to \$2,000 each, to better align the enhancement payments with the aggregate amount of the two settlements. On July 27, 2015, the Court granted final approval to the Hayward and Zodiac IPP settlements incorporating the terms recommended by the Special Master.

On or around April 24, 2015, defendant Pentair settled with IPPs in the amount of \$600,000. On July 6, 2015, counsel for IPPs and Pentair moved for preliminary approval of the settlement.⁵ After reviewing the Pentair settlement, the Special Master recommends:

- (1) The same protocols concerning apportionment, allocation, and documentation requirements described above and set forth in Rec. Doc. 485 should also apply to the Pentair settlement.
- (2) The amount to be awarded to any Pentair claimant should be reduced by the amount of any funds that claimant has already received from the Hayward/Zodiac fund.
- (3) In the event that claims under the Pentair settlement exceed available funds, the Court should consider reallocating any funds not claimed in the Hayward/Zodiac fund, which otherwise would be subject to *cy pres*, to the Pentair fund to the extent necessary to pay all Pentair claims in full.

⁴ Rec. Doc. No. 601.

⁵ Rec. Doc. No. 659.

- (4) Consistent with the Court's prior approval of enhancement payments with respect to the Hayward/Zodiac settlements, the Class Representatives should be awarded \$500 in relation to the Pentair settlement.

DATED: August 24, 2015.

Respectfully submitted,

/s/ Richard C. Stanley _____
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Special Master