

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

IN RE: POOL PRODUCTS
DISTRIBUTION MARKET ANTITRUST
LITIGATION

MDL NO. 2328

SECTION: R(2)

JUDGE VANCE

THIS DOCUMENT RELATES TO ALL CASES:

MAG. JUDGE WILKINSON

**FIRST BIWEEKLY REPORT ON STATUS OF
FACT DISCOVERY ON BEHALF OF POOL CORP**

Pursuant to Pretrial Order No. 16 entered on December 7, 2012 [Docket #183], Defendants, Pool Corporation, SCP Distributors LLC and Superior Pool Products LLC, (hereinafter collectively ("Pool Defendants")) submit its first biweekly report on the status of fact discovery as follows:

POOL DEFENDANTS' REPORT

1. **Custodians:**

On December 17, 2012, the Pool Defendants proposed a custodian list consisting of 37 of the 55 custodians whose documents Pool produced to the FTC. Plaintiffs countered on December 24, 2012 with a list of 81 additional custodians. Those 81 additional custodians included the remaining 18 FTC custodians that had not been included on Pool's December 17 list, plus 63 new (i.e., non-FTC) custodians. After the holidays, the parties had several discussions about custodians, and the plaintiffs have pared back their demand. Pool has agreed to add approximately seven custodians. The parties are still discussing twelve custodians, but the Pool Defendants believe that the parties should be able to reach an agreement on the remaining proposed custodians in the near future.

2. Data and Document Production:

Pool anticipates producing the majority of its remaining transactional data in the next two weeks. The Pool Defendants are also working to respond, on an informal basis, to a lengthy list of technical questions about the transaction data Pool produced to the Plaintiffs during the summer of 2012 (data that was also produced to the FTC).

The Pool Defendants are reviewing hard copy documents located in Covington from the FTC custodians to determine if there are any responsive records that need to be produced from the extended date period. Once there is agreement on custodians, Pool will spend at least a few weeks capturing the new custodian data and processing it for subsequent review.

To date, the Pool Defendants have not received any document production from the Plaintiffs.

DATED: January 29, 2013

Respectfully submitted,



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*Attorneys for Defendants Pool Corporation,
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Products LLC*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the above and foregoing FIRST BIWEEKLY REPORT ON STATUS OF FACT DISCOVERY ON BEHALF OF POOL CORP has been served on Direct Purchaser Plaintiffs' Co-Liaison Counsel, Russ Herman and Camilo Salas, III, Indirect Purchaser Plaintiffs' Liaison Counsel, and Thomas H. Brill, by e-mail and upon all parties by electronically uploading the same to Lexis Nexis File & Serve in accordance with Pretrial Order No. 8 and the foregoing was electronically filed with the Clerk of Court of the United States District Court for the Eastern District of Louisiana by using the CMIECF system, which will send a notice of electronic filing in accordance with the procedures established in MDL 2328, on this 29th day of January, 2013.



William B. Gaudet