

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>	*	JUDGE VANCE
<i>No. 12-1284 (Indirect Purchaser Plaintiffs)</i>	*	MAG. JUDGE WILKINSON

SPECIAL MASTER’S SUPPLEMENTAL ALLOCATION REPORT
(Regarding the Hayward and Zodiac/IPP Settlements)

The Special Master submits the following supplemental allocation report in advance of the Final Fairness Hearing scheduled for May 14, 2015 to address the Hayward and Zodiac settlements with Indirect Purchaser Plaintiffs (IPP).

The Special Master previously submitted a Preliminary Allocation Report on October 1, 2014 regarding the Hayward/IPP settlement only.¹ At that time, the Court had not yet granted preliminary approval of the proposed Hayward/IPP settlement. The Special Master made four recommendations in that report: (1) apportionment of settlement funds among a single class of IPP plaintiffs 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) documentation protocols for verification of claims by the Claims Administrator, and (4) 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.

¹ R. Doc. 485.

After this report was filed for the Court's consideration, defendant Zodiac settled with indirect purchaser plaintiffs on November 4, 2014 in the amount of \$500,000.² On December 31, 2014, the Court issued an order referencing the Special Master's suggested methodology from the Preliminary Allocation Report and granting class certification and preliminary approval to both settlements in light of those recommendations.³

Although the Preliminary Allocation Report referenced the Hayward Settlement only, the Special Master has now reviewed the Zodiac settlement as well. After reviewing the Zodiac settlement, the Special Master finds that the previous recommendations for apportionment, allocation, and documentation requirements should also apply to the Zodiac settlement and hereby makes that recommendation to the Court. It is the Special Master's further recommendation that the two settlements be treated as a single fund of \$2,000,000 for the purposes of allocation and distribution. Finally, however, the Special Master recommends increasing the enhancement payments for Class Representatives from \$1,500 each to \$2,000 each. The initial modest recommendation was based in part upon the amount of the settlement. This recommendation, if approved by the Court, would better align the recommended enhancement payments with the aggregate amount of the two settlements.

² R. Doc. 500-4.

³ R. Doc. 551.

DATED: March 3, 2015.

Respectfully submitted,

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Special Master