

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

MDL No. 2328

IN RE: POOL PRODUCTS
DISTRIBUTION MARKET ANTITRUST
LITIGATION

SECTION: R(2)

JUDGE VANCE
MAG. JUDGE
WILKINSON

THIS DOCUMENT RELATES TO ALL CASES

PRETRIAL ORDER NO. 36

The Court held a Status Conference on January 8, 2015. After hearing from counsel for the parties, the Court issues the following Order:

- 1. Fee Requests:** The Court has reviewed the final fee requests submitted by Pool, Zodiac, and Pentair in connection with Dr. Rausser's supplemental report and November 3, 2014 deposition. The Court has also reviewed DPPs' December 29, 2014 letter objecting to defendants' fee requests. Overall, the Court finds that the fee requests are reasonable. The Court will not, however, grant Pentair's request for expert fees or attorneys' fees and costs related to Defendants' Motion to Strike the Supplemental Report of Dr. Rausser as Supplemented on November 3, 2014. Pentair is ordered to revise its fees request in accordance with this order and to resubmit the request by January 15, 2015. Pentair is also ordered to resubmit the November invoices included as

supporting documentation for its original fee request, with all line items not included in the revised fee request struck through to indicate that they have not been included in the total.

- 2. Settlement Status:** The parties have updated the Court as to the current status of settlement negotiations. The parties shall try to advance the date of their next mediation session with Judge Phillips from April 2015 to early March 2015. Each party is also ordered to designate a settlement point person to manage ongoing settlement talks. The parties are further ordered to set a date for an in-person meet and confer regarding their current settlement positions in advance of the next formal mediation session with Judge Phillips. This meet and confer shall be attended by the settlement point persons designated by each party.
- 3. Objections to Summary Judgment Exhibits:** Each party is ordered to designate one point person to field straightforward questions of identification or clarification about exhibit objections on an ongoing basis. Questions that will require legal analysis to resolve shall be reserved for discussion during the March-April time period.
- 4. Motions to Seal:** The Court orders that motions to file under seal shall seek to file under seal only those documents or exhibits that must be kept confidential. Any motion to seal shall specify which portions of the filing

are confidential and identify the protective order or stipulation designating the document as confidential.

5. Plaintiffs' Joint Reply to Defendants' Summary Judgment

Motions Regarding Alleged Vertical Agreements: At the request of IPPs, the page limit for plaintiffs' joint reply is extended from 60 to 63 pages.

- 6. Next Status Conference:** The Court will hold the next status conference on March 11, 2015, at 10:00 a.m. Lead counsel and liaison counsel are to meet in the courtroom at 9:00 a.m. The parties shall submit to the Court on March 4, 2015 a report identifying all issues the parties wish to discuss at the status conference and their position concerning those issues.

New Orleans, Louisiana, this 9th day of January, 2015.



SARAH S. VANCE
UNITED STATES DISTRICT JUDGE