

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF LOUISIANA

In re: POOL PRODUCTS DISTRIBUTION	*	MDL Docket No. 2328
MARKET ANTITRUST LITIGATION	*	
	*	SECTION R(2)
	*	
	*	JUDGE VANCE
	*	
This document relates to All Cases	*	MAG. JUDGE WILKINSON
	*	

**JOINT REPORT NO. 2 OF DIRECT PURCHASER PLAINTIFFS'
CO-LIAISON COUNSEL AND EXECUTIVE COMMITTEE,
INDIRECT PURCHASER PLAINTIFFS' LIAISON COUNSEL,
POOL CORP. DEFENDANTS' COUNSEL AND
MANUFACTURER DEFENDANTS' LIAISON COUNSEL**

Direct Purchaser Plaintiffs' Co-Liaison Counsel ("DPLC") and Executive Committee, Indirect Purchaser Plaintiffs' Liaison Counsel ("IPLC"), Pool Corporation, SCP Distributors LLC and Superior Pool Products LLC's Counsel ("Pool Corp. Defendants' Counsel") and Manufacturer Defendants' Liaison Counsel ("MDLC") submit this joint report in accordance with Pretrial Order Number 10.

I. DISCOVERY

A. FTC DOCUMENTS

1. Pool Corp. Defendants

Pool Corp. substantially completed its production of FTC documents the week ending August 3, 2012. Pool Corp. produced 270,105 pages of documents.

2. Manufacturer Defendants

a. Pentair Water Pool and Spa, Inc.

Pentair has produced 75% of the FTC documents, approximately 705,360 pages of documents along with voluminous data in "native" format. Pentair expects to complete its production by the September 10, 2012 deadline.

b. Zodiac Pool Systems, Inc.

Zodiac completed its production of FTC documents on August 10, 2012.

c. Hayward Industries, Inc.

As of the date of this report, Hayward has produced 200,489 pages of the 326,143 pages of documents previously produced to the FTC along with voluminous data in "native" format. Hayward expects to complete its production by the September 10, 2012 deadline.

B. AMENDED PROTECTIVE ORDER

On August 3, 2012, the Court entered a Revised Stipulated Protective Order.

C. INITIAL DISCLOSURES

On August 6, 2012, the Direct Purchaser Plaintiffs served Amended Disclosures pursuant to Pretrial Order Number 5. Each of the Manufacturer Defendants also served Mandatory Disclosures on August 6, 2012 pursuant to Pretrial Order Number 5.

On August 10, 2012, Liaison Counsel for the Manufacturer Defendants wrote the Direct Purchaser Plaintiffs objecting to the sufficiency of the Amended Disclosures. The Pool Defendants joined in the Manufacturer Defendants' objections to the Amended Disclosures. On August 13, 2012, the Direct Purchaser Plaintiffs responded to the objections. A meet and confer was held on August 22, 2012, but the issues remain unresolved.

The parties will be prepared to discuss the foregoing at the status conference on September 6, 2012.

D. EXCHANGE OF INFORMATION AND DOCUMENTS NEEDED

On August 23, 2012, the parties exchanged their respective "realistic lists of the types of information and documents they need to prove their claims and defenses" in accordance with Pretrial Order Number 5. An issue remains as to whether these lists should have included interrogatory-type requests or whether they were to be limited to requests for documents and data.

II. MOTIONS TO DISMISS

A. POOL DEFENDANTS

In accordance with Pretrial Order Number 5, the Pool Defendants filed their motion to dismiss on August 13, 2012. Oral argument on that motion is scheduled for October 17, 2012.

B. MANUFACTURER DEFENDANTS

In accordance with Pretrial Order Number 10, the Manufacturer Defendants were preparing to file their motion to dismiss on August 27, 2012, but received notice at 12:51 p.m. that the PACER electronic filing system would be unavailable beginning at noon on August 27, 2012 due to the impending arrival of Tropical Storm Isaac. On August 27, 2012, the Court also issued an order suspending all deadlines until the Court reopens. The Manufacturer Defendants filed their motion to dismiss after the Court reopened on Friday, August 31, 2012.

C. PLAINTIFFS

The PEC may need additional time to respond to the defendants' motions to dismiss. Plaintiffs will be prepared to discuss this issue at the status conference.

III. ISSUES TO BE ADDRESSED

A. INDIRECT PURCHASER PLAINTIFFS' MOTION FOR LEAVE TO AMEND

On August 17, 2012, the Indirect Purchaser Plaintiffs' filed a motion for leave to amend their First Amended Class Action Complaint to add the Manufacturer Defendants as defendants therein. The date of submission for the motion is September 12, 2012.

Manufacturer Defendants and the Pool Corp. Defendants intend to oppose the Indirect Purchaser Plaintiffs' attempt to amend their complaint beyond the June 29, 2012 deadline established by Pretrial Order Number 5 and will file their oppositions by September 4, 2012.

The parties will be prepared to discuss the foregoing at the status conference on September 6, 2012.

B. MEDIATOR

Plaintiffs have recommended John Perry as a mediator in this matter. Pool Corp. Defendants' Counsel and Manufacturer Defendants' Counsel are consulting with their clients regarding this recommendation and regarding other potential mediators.

IV. NEXT STATUS CONFERENCE

Direct Purchaser Plaintiffs' Co-Liaison Counsel and Executive Committee, Indirect Purchaser Plaintiffs' Liaison Counsel, Pool Corp. Defendants' Counsel, and

Manufacturer Defendants' Liaison Counsel will be prepared to schedule the next status conference on a date to be selected by the Court.

Dated: August 31, 2012

Respectfully submitted,

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