

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

IN RE: POOL PRODUCTS)
DISTRIBUTION MARKET ANTITRUST)
LITIGATION)
_____)

MDL No. 2328
SECTION: R(2)

Chief Judge Vance
Mag. Judge Wilkinson

This Document Relates to: All Cases

DEFENDANTS' SIXTH REPORT ON THE STATUS OF FACT DISCOVERY

Pursuant to the Court's March 7, 2013 Pretrial Order No. 17, ECF No. 200, Defendants Hayward Industries, Inc. ("Hayward"), Pentair Water Pool and Spa, Inc. ("Pentair"), Zodiac Pool Systems, Inc. ("Zodiac" and, collectively with Hayward and Pentair, the "Manufacturer Defendants"), Pool Corporation ("Pool Corp."), SCP Distributors LLC ("SCP"), and Superior Pool Products LLC ("SPP" and, collectively with Pool Corp. and SCP, the "Pool Defendants"), by counsel, submit the following report on the status of fact discovery.

I. POOL DEFENDANTS' REPORT

A. Document Production

Pool Defendants have produced an additional 140,000 pages of documents since last summer's production of FTC documents. Document production and review is ongoing pursuant to the Joint Stipulation Regarding the Extension of Document Production Deadlines, ECF No. 243, approved and entered by the Court's May 28, 2013 Order, ECF No. 251, which extended Defendants' discovery deadline to June 24, 2013.

B. Data Production

Pool Defendants have produced all the transaction data agreed upon by the parties at the October 2012 status conference. With the exception of new questions raised by Plaintiffs today, Pool Defendants have answered all questions with respect to their produced transaction data.

C. Depositions

Pool Defendants agree with the list of the depositions taken to date as set forth below in Section II. B.

II. MANUFACTURER DEFENDANTS' REPORT**A. Document Production**

Hayward, in addition to producing over 326,000 pages of documents it previously produced to the FTC, has also made several rolling productions to Plaintiffs totaling over 174,000 pages. Pentair has continued to make regular rolling productions of documents to Plaintiffs and, thus far, has produced over 380,000 pages of electronic documents, as well as various hard-copy documents. Zodiac has made several rolling productions to Plaintiffs totaling over 118,000 pages. As with Pool Defendants, document production and review by all three Manufacturer Defendants is ongoing pursuant to the Joint Stipulation Regarding the Extension of Document Production Deadlines, ECF No. 243, approved and entered by the Court's May 28, 2013 Order, ECF No. 251, which extended Defendants' discovery deadline to June 24, 2013.

B. Depositions

Following the status hearing on March 6, 2013, the parties began taking depositions, which, to date, have included the following:

| Date | Deponent | Affiliation |
|-------------|--------------------------|----------------------------|
| 3/8/2013 | SPS Services, Ltd. | Direct Purchaser Plaintiff |
| 3/15/2013 | Aqua Clear Pools & Decks | Direct Purchaser Plaintiff |
| 3/19/2013 | John Damaska | Zodiac |

| | | |
|-----------|-------------------------------------|------------------------------|
| 3/20/2013 | Scott Bushey | Zodiac |
| 3/21/2013 | Pro Pools Services | Direct Purchaser Plaintiff |
| 3/22/2013 | Jean Bove | Indirect Purchaser Plaintiff |
| 3/28/2013 | Thatcher Pools | Direct Purchaser Plaintiff |
| 4/1/2013 | James Hilton, Sr. | Third Party |
| 4/3/2013 | 30(b)(6) - Code of Conduct | Pentair |
| 4/4/2013 | 30(b)(6) - Corporate Structure & HR | Pentair |
| 4/4/2013 | Oasis Pool Services | Direct Purchaser Plaintiff |
| 4/8/2013 | David Coulter | Third Party |
| 4/9/2013 | Bill Haas | Third Party |
| 4/15/2013 | Eric Watters | Third Party |
| 4/16/2013 | Enrique Gomez | Zodiac |
| 4/17/2013 | David Albee | Hayward |
| 4/18/2013 | Doug Bragg | Hayward |
| 4/18/2013 | 30(b)(6) - IT | Pentair |
| 4/19/2013 | Stephen Markowitz | Zodiac |
| 4/19/2013 | John Salvo | Third Party |
| 4/23/2013 | Craig Goodson | Zodiac |
| 4/29/2013 | Robert Snodgrass | Third Party |
| 5/2/2013 | 30(b)(6) - Pricing and Acquisitions | Pool Corp. |
| 5/3/2013 | Melanie Housey | Pool Corp. |
| 5/7/2013 | Robert Nichols | Hayward |
| 5/8/2013 | Paul Walter | Pentair |
| 5/8/2013 | Bill Cook | Pool Corp. |
| 5/9/2013 | Darren Coleman | Pentair |
| 5/10/2013 | Fred Manno | Hayward |
| 5/15/2013 | John Oster | Pentair |
| 5/15/2013 | Paul Snopek | Pentair |
| 5/16/2013 | Scott Cummings | Pentair |
| 5/22/2013 | John Hulme | Pool Corp. |
| 5/23/2013 | Don Porter | Pentair |
| 5/23/2013 | Jon Cannon | Pentair |
| 5/24/2013 | Kevin Kistler | Indirect Purchaser Plaintiff |
| 5/29/2013 | Greg Kahle | Pentair |
| 5/30/2013 | Mike Echols | Pentair |

Plaintiffs have recently cancelled a number of party depositions. Specifically, they have cancelled four Pool Corp. depositions scheduled for June and one Hayward deposition.

C. Transactional Data

As previously reported, on April 1, 2013, the Manufacturer Defendants received follow-up questions from Plaintiffs regarding their respective transactional data. Zodiac has answered all such questions and has provided follow-up transactional data to Plaintiffs. Hayward and Pentair have answered all such questions and are in the process of providing follow-up transactional data to Plaintiffs.

Dated: June 3, 2013

/s/ Wayne J. Lee

Wayne J. Lee (LA Bar No. 7916)
STONE PIGMAN WALTHER WITTMAN L.L.C.
546 Carondelet Street
New Orleans, Louisiana 70130
Tel: (504) 581-3200
Fax: (504) 581-3361
Email: wlee@stonepigman.com

/s/ Michael J. Lockerby

Michael J. Lockerby
Melinda F. Levitt
FOLEY & LARDNER LLP
Washington Harbour
3000 K Street, N.W., Suite 600
Washington, D.C. 20007-5143
Tel: (202) 672-5300
Fax: (202) 672-5399
Email: mlockerby@foley.com
Email: mlevitt@foley.com

Counsel for Pentair Water Pool and Spa, Inc.

/s/ J. Brent Justus

Howard Feller
J. Brent Justus
MCGUIREWOODS LLP
One James Center
901 East Cary Street
Richmond, VA 23219-4030
Phone: (804) 775-1018
Fax: (804) 698-2026
hfeller@mcguirewoods.com
bjustus@mcguirewoods.com

Counsel for Zodiac Pool Systems, Inc.

/s/ Richard Hernandez

Richard Hernandez
Thomas J. Goodwin
Matthew Wapner
MCCARTER & ENGLISH, LLP
100 Mulberry Street
Four Gateway Center
Newark, New Jersey 07102
Telephone: 973-622-4444
Facsimile: 973-624-7070
tgoodwin@mccarter.com
rhernandez@mccarter.com
mwapner@mccarter.com

/s/ Thomas M. Flanagan

Thomas M. Flanagan (LA Bar No. 19569)
Sean P. Brady (LA Bar No. 30410)
FLANAGAN PARTNERS LLP
201 St. Charles Avenue, Suite 2405
New Orleans, Louisiana 70170
Telephone: 504-569-0235
Facsimile: 504-592-0251
tflanagan@flanaganpartners.com
sbrady@flanaganpartners.com

Counsel for Hayward Industries, Inc.

/s/ Deana L. Cairo

David H. Bamberger
Deana L. Cairo
DLA Piper LLP (US)
500 8th Street, NW
Washington, DC 20004
Phone: (202) 799-4000

Counsel for the Pool Corporation Defendants

CERTIFICATE OF SERVICE

I hereby certify that on June 3, 2013, a copy of the foregoing Defendants' Sixth Report on the Status of Fact Discovery was served upon all parties by electronically uploading the same to LexisNexis File & Serve in accordance with Pretrial Order No. 8 in this case.

/s/ Wayne J. Lee