

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
	*	
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**DEFENDANTS' FIFTH REPORT  
ON THE STATUS OF FACT DISCOVERY**

Pursuant to the Court’s March 7, 2013 Pretrial Order No. 17, the Pool Corporation Defendants (“Pool Defendants”), and the Manufacturer Defendants, Hayward Industries, Inc., Pentair Water Pool and Spa, Inc., and Zodiac Pool Systems, Inc.) submit the following report on the status of fact discovery.

**I. POOL DEFENDANTS’ REPORT**

**A. Data and Document Review and Production**

Pool Defendants have made significant progress on their document review. Pool Defendants made a production of hard copy documents last week and are making a production of ESI for four custodians today.

Pool Defendants provided answers to DPPs initial questions on transaction data on March 12, 2013. On April 2, 2013, DPPs sent additional questions to Pool Defendants about their

transaction data. Pool Defendants anticipate sending the DPPs responses to their follow-up questions regarding Pool Corp.'s transaction data in the next few business days.

**B. Depositions**

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

**C. Search Terms**

After substantial discussions with all parties, Pool Defendants have agreed in principle to a set of search terms. Like the Manufacturer Defendants, there may be a need to modify terms if issues are discovered during the course of the review. Plaintiffs have also expressed an interest in certain "centralized" pricing documents and Pool Defendants are working with DPPs to understand more about what they are seeking and potential centralized sources of this information. The parties are willing to work together to achieve a resolution of these issues.

**II. MANUFACTURER DEFENDANTS' REPORT**

**A. Electronic Document Search Terms**

The Manufacturer Defendants have also reached agreement in principle on the search terms. Notwithstanding their agreement on a lengthy number of search terms, the parties recognize the possibility that, in some situations as the document review process moves forward, individual terms may need to be modified for different parties if a particular term(s) result in the retrieval of an unusually large volume of documents. If such a situation arises, the parties are committed to work with each other in good faith to reach a mutually acceptable resolution.

**B. Depositions**

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

<u>Date</u>	<u>Party</u>
3/8/13	DPP – SPS Services, Ltd.
3/15/13	DPP – Aqua Clear Pools & Decks
3/19/13	John Damaska – Zodiac
3/20/13	Scott Bushey – Zodiac
3/21/13	DPP – Pro Pools Services
3/22/13	IPP – Jean Bove
3/28/13	DPP – Thatcher Pools
4/1/13	James Hilton Sr. – Third Party
4/3/13	Pentair 30(b)(6) Code of Conduct
4/4/13	Pentair 30(b)(6) Corporate Structure & HR
4/4/13	DPP Oasis Pool Services
4/8/13	David Coulter – Third Party
4/9/13	Bill Haas – Third Party
4/15/13	Eric Watters – Third Party
4/16/13	Enrique Gomez – Zodiac
4/17/13	David Albee – Hayward
4/18/13	Doug Bragg – Hayward
4/18/13	Pentair 30(b)(6) IT
4/19/13	Stephen Markowitz - Zodiac
4/19/13	John Salvo – Third Party
4/23/13	Craig Goodson - Zodiac
4/29/13	Robert Snodgrass – Third Party

5/2/2013	Pool Corp. 30(b)(6) Pricing and Acquisitions
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**C. Transactional Data**

On April 5, 2013, Hayward produced its transactional data for the time period January 1, 1998 through May 31, 2012, to the parties in accordance with Pretrial Order No. 15.

On April 1, 2013, the Manufacturer Defendants received follow-up questions from Plaintiffs regarding their respective transactional data. Each Manufacturer Defendant has either responded to their follow-up questions or is working on getting answers from their respective clients.

**D. Production of Documents**

All of the Manufacturer Defendants are reviewing documents and producing them in accordance with the schedule set by the Court.

Dated: May 2, 2012

Respectfully submitted,

/s/ Deana L. Cairo

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