

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' TENTH 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 finished their document production and have nothing new to report.

II. MANUFACTURER DEFENDANTS' REPORT

A. Document Production

Pentair, Hayward, and Zodiac all have completed their respective document productions, including production of their respective privilege logs.

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

Date	Deponent	Affiliation
6/4/2013	William Whitmarsh	Hayward
6/11/2013	Donna Williams	Pool Corp.
6/19/2013	Tom Canaday	Pool Corp.
6/25/2013	Dale O'Dell	Pool Corp.
6/26/2013	Rick Postoll	Pool Corp.
6/26/2013	Tom Dissinger	Hayward
7/9/2013	David Nibler	Zodiac
7/10/2013	Barry Greenwald	Zodiac
7/11/2013	Anthony Prudhomme	Zodiac
7/12/2013	Liquid Art	Direct Purchaser Plaintiff
7/16/2013	Douglas Learn	Third Party
7/18/2013	A Plus Pools	Direct Purchaser Plaintiff
7/25/2013	Greg Howard/Carecraft	Third Party
8/6/2013	Joseph ("Jody") Smith	Zodiac
8/7/2013	Bill Knox	Third Party
8/20/2013	Bill Shuherk	Third Party
8/26/2013	Thomas Epple	Third Party
8/27/2013	David Dent	Third Party
8/27/2013	Tim Saxer	Third Party
8/29/2013	Peter Mougey	Indirect Purchaser Plaintiff
9/18/2013	John Gwaltney	Third Party

The parties have agreed on the party and non-party depositions still to be taken, and filed submissions with the Court on September 10, 2013 identifying all such deponents, in accordance with the Court's June 21, 2013 Pretrial Order No. 18, ECF No. 282.

Given the completion of document productions and exchanges of privilege logs by the parties, Defendants again request that the Court discontinue monthly reporting and respectfully suggest that the parties report to the Court in advance of any scheduled status conference the progress of the parties and any issues that they would like to see the Court address.

Dated: October 2, 2013

/s/ Wayne J. Lee

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CERTIFICATE OF SERVICE

I hereby certify that on October 2, 2013, a copy of the foregoing Defendants' Tenth 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/Samantha P. Griffin