

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 #10

I. This Order Memorializes the Court's Rulings at the Status Conference on July 11, 2012.

A. FTC Documents - Manufacturer Defendants

By July 25, 2012, the manufacturer defendants shall produce any FTC civil investigative demands ("CID"), subpoenas, and correspondence regarding the CIDs and subpoenas, including any narrative responses to the subpoenas or CIDs.

The manufacturer defendants and plaintiffs shall meet and confer to develop a protocol for producing FTC documents on a rolling basis, but all FTC documents must be produced by September 10, 2012. The protocol must be submitted to the Court by July 25, 2012. Any index produced to the FTC shall be included with the production to the plaintiffs, subject to any applicable work product exclusion.

If the defendants contest the relevance of types of documents produced to the FTC, they shall submit the documents to

the Court, together with an index describing the documents, on September 10, 2012. The defendants shall provide an explanation of why they contend the documents are not relevant. Except for the contested documents themselves, the defendants must serve the foregoing material on opposing counsel.

Plaintiffs must file their responses to manufacturer defendants' objections to the production of FTC documents by September 24, 2012.

B. FTC Documents - Pool Defendants

The Pool defendants shall submit reports on Fridays of each week to the Court and to plaintiffs' counsel summarizing the status of the production of the FTC documents that week. The report shall include the name of the custodian of the documents produced, the custodian's title, whether the production is the complete production from that custodian, the volume of documents produced that week, and the cumulative volume produced to date.

C. Initial Disclosures

By August 6, 2012, the manufacturer defendants and plaintiffs shall exchange the following information: (1) organizational charts for their businesses from 2000 through 2011; (2) a list of names, positions and locations of custodians whose electronically stored information ("ESI") the parties propose to preserve and collect; (3) a description of sources of transactional information from 2000 to the present, including the

accessability of ESI; (4) a description of the parties' electronic systems and protocols; (5) an identification of the persons most knowledgeable about the parties' electronic systems and protocols; and (6) a list of witnesses pursuant to Federal Rule of Civil Procedure 26(a)(1)(A).

D. Motion to Dismiss

If the manufacturer defendants intend to file a motion to dismiss, they shall do so by consolidated motion no later than August 27, 2012. The manufacturer defendants' opening brief in support of their consolidated motion shall not exceed 45 pages. If a defendant has individual issues, that defendant may include those arguments at the end of the joint brief.

Plaintiffs' response to the manufacturer defendants' motion to dismiss is due by September 24, 2012. If plaintiffs submit a consolidated response to the Pool motion to dismiss and the manufacturers' motion to dismiss, the response shall not exceed 55 pages. If plaintiffs submit separate responses, each response shall not exceed 45 pages.

The manufacturer defendants' reply brief is due by October 8, 2012. This brief must be joint and shall not exceed 15 pages.

The Court will hear oral argument on the manufacturers' motion to dismiss on October 17, 2012 at 10:00 a.m.

E. Written Discovery Protocol

The manufacturer defendants shall adhere to the written discovery protocol in Pretrial Order No. 5 (R. Doc 93).

F. Manufacturers' Liaison Counsel

By July 25, 2012, the manufacturer defendants shall submit a letter to the Court that identifies their requested liaison counsel.

G. Mediator

The parties shall meet and confer to commence discussions aimed at selecting a mutually agreeable mediator who is knowledgeable in the relevant field to conduct settlement discussions.

H. Next Conference

The next status conference will be held on **Thursday, September 6, 2012 at 2:00 p.m.** The parties shall submit to the Court a joint list of issues requiring resolution by **Friday, August 31, 2012.** The parties shall be prepared to report to the Court at the conference on the progress of their efforts since the last conference.

New Orleans, Louisiana, this 12th day of July, 2012.



SARAH S. VANCE
UNITED STATES DISTRICT JUDGE