

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 NO. 18

The Court held a status conference on June 20, 2013, with all parties. After hearing from the parties, the Court amends the schedule and rules as follows:

1. The parties shall complete their rolling production of documents pursuant to outstanding requests by June 24, 2013, except where otherwise noted below.
2. IPPs shall file an amended complaint substituting a Florida representative for Lorraine O'Brien and conforming to the Court's order partially dismissing IPPs' claims by July 22, 2013.
3. Defendants shall file answers to or motions to dismiss DPPs' Second Consolidated Amended Complaint (SCAC) by July 22,

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JS-10:	<u>1:05</u>

2013. The memorandum in support of Pool's motion to dismiss shall not exceed 30 pages. The Manufacturer Defendants shall jointly file one motion to dismiss with a supporting memorandum not to exceed 30 pages. Defendants are not to raise any issues that the Court ruled on in its order partially dismissing DPPs' original complaint except for fraudulent concealment and DPPs' claim that defendants engaged in a *per se* illegal conspiracy under Section 1 of the Sherman Act.

4. The parties shall exchange privilege logs by July 24, 2013.
5. DPPs shall file a single response memorandum to defendants' motions to dismiss by August 21, 2013. The response shall not exceed 45 pages.
6. The parties shall meet and confer regarding a numerical limit on party and non-party depositions. By August 15, 2013, liaison counsel shall submit a letter to the Court with the agreed upon limits, or if the parties cannot agree, each side's proposed limits and a brief explanation of its position. Before the Court sets a limit, no new depositions shall be noticed, but previously noticed depositions shall proceed.
7. Pool and Manufacturer Defendants shall file their replies to DPPs' response to the motions to dismiss by September 3,

2013. The replies shall not exceed 10 pages. The Court will receive no further briefs on the motions to dismiss.
8. The parties shall identify all deponents by September 10, 2013, and no deponent may be added after this date absent agreement or a showing of good cause under Federal Rule of Civil Procedure 16(b)(4).
 9. The parties shall complete all fact and class certification discovery by February 10, 2014.
 10. The parties shall simultaneously exchange their expert reports on all issues on April 10, 2014.
 11. The parties shall exchange replies to expert reports on May 12, 2014.
 12. The parties shall complete expert depositions by June 9, 2014.
 13. All summary judgment, class action certification, and *Daubert* motions shall be filed by August 11, 2014.
 14. Oppositions to all summary judgment, class certification, and *Daubert* motions shall be filed by October 9, 2014.
 15. Replies to all summary judgment, class certification, and *Daubert* motions shall be filed by November 10, 2014.
 16. Dates for oral argument on summary judgment, class certification, and *Daubert* motions will be determined by the Court.

17. Pool shall produce transaction data documents in response to plaintiffs' requests for information on discounts, credits, debits, rebates, and other adjustments on the customer level. Pool shall complete this production as promptly as possible.
18. DPPs shall not redact downstream data from documents they produce. As promptly as possible, DPPs shall produce un-redacted copies of documents that they previously produced in redacted form.
19. The Court will not enter an order requiring the creation of a separate deposition transcript whenever IPPs' questioning of a witness relates to downstream information.
20. The parties are not to serve each other with requests for discovery, except as authorized by the Court and in conjunction with the Court's scheduling orders.
21. Pool is not required to produce documents in response to DPPs' supplemental requests for monthly inventory data and documents relating to PoolCorp's manager meetings. Documents arising from the antitrust litigation between Hayward and Aquastar Pool Products are not discoverable except Pool shall produce all non-privileged materials responsive to request for production number 2(b).
22. The parties shall continue to submit reports on the status of fact discovery on the second day of each month.

23. The Court will hold the next status conference on October 22, 2013, at 10:00 a.m. Lead counsel and liaison counsel are to meet in Chambers at 9:00 a.m. The parties shall submit to the Court on October 17th, 2013, a report that describes the status of discovery, including discovery accomplished since the last conference, and issues to be discussed at the status conference.

New Orleans, Louisiana, this 21st day of June, 2013.



A handwritten signature in cursive script, reading "Sarah S. Vance", is written over a horizontal line.

SARAH S. VANCE
UNITED STATES DISTRICT JUDGE