

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. 27

Direct Purchaser Plaintiffs (DPPs) move for preliminary approval of a proposed class settlement between DPPs and defendant Hayward Industries, Inc. (Hayward).¹ Likewise, Hayward and Indirect Purchaser Plaintiffs (IPPs) move jointly for preliminary approval of a proposed class settlement between IPPs and Hayward.² The Court is also in receipt of the parties' supplemental filings that provide additional details about the parties' proposed plans for providing notice to the class.³ The Court sets these motions for hearing on August 14, 2014, following the status conference in this case. Counsel shall appear in person at the hearing to answer any questions about the motions.

¹ R. Doc. 417.

² R. Doc. 418.

³ R. Docs. 434, 435.

In addition, DPPs are directed to provide the Court with the following information: (1) an explanation of the apportionment plan and why it is fair and reasonable, including an explanation of the procedure to be used to value and pro-rate claims and a statement of incentive payments to be sought for class representatives; (2) confirmation that the substance of all side agreements has been disclosed; (3) a statement of the amount of attorneys' fees sought and an explanation of the circumstances in which litigation costs and expenses in excess of \$2,000,000 would be sought; (4) any information available about DPPs' valuation of class claims, including any expert evaluations of the monetary value of claims; (5) additional information regarding the plan for providing notice to the class, including information about the method proposed for mailing notice to the settlement class and identification of the publication(s) in which notice shall be published;⁴ (6) an explanation of the proposed method for class members to make claims and a copy of the proposed claim form; (7) the rate of compensation for the proposed Claims Administrator and any assistants and the rate of compensation for the proposed Escrow Agent; and (8) an estimate of settlement administration expenses.

Likewise, IPPs are directed to provide the Court with the following information: (1) an explanation of the apportionment

⁴ See R. Doc. 417-2 at 11.

plan and why it is fair and reasonable, including an explanation of the procedure to be used to value and pro-rate claims and a statement of incentive payments to be sought for class representatives; (2) disclosure of the substance of all side agreements; (3) an estimate of the amount of litigation costs and expenses sought; (4) any information available about IPPs' valuation of class claims, including any expert evaluations of the monetary value of claims; (5) an identification of the proposed Claims Administrator, his qualifications, and the rate of compensation for him and any assistants; (6) an identification of any Escrow Agent, and the rate of compensation for such Escrow Agent; (7) an identification of which entities are included in the "Defendant companies" mentioned in the fourth "eligibility question" on page three of the proposed claim form;⁵ (8) an explanation of the fifth "eligibility question" on page three of the proposed claims form,⁶ including an explanation of why it asks consumers to identify the "distributor from which [they] purchased pool equipment" when consumers typically purchase from dealers; (9) a discussion of the suitability of proposed subclass counsel under the requirements of Rule 23(g); and (10) an estimate of settlement administration expenses by category of expense.

⁵ R. Doc. 435-6 at 3.

⁶ *Id.*

The parties are directed to provide the Court with the information listed above by August 7, 2014.

New Orleans, Louisiana, this 23rd day of July, 2014.



SARAH S. VANCE
UNITED STATES DISTRICT JUDGE