

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. 34**

The Court is in receipt of the Direct Purchaser Plaintiffs' (DPPs) "Motion to Permit Their Filing a Single Consolidated Opposition to the Three Motions for Summary Judgment by PoolCorp and Pentair Relating to the Vertical Section 1 Claims"<sup>1</sup> and defendants' Opposition to the Motion.<sup>2</sup>

In the Motion, DPPs seek leave to file a consolidated opposition to (1) Pool's Motion for Summary Judgment regarding the alleged vertical conspiracy between Pool and Hayward; (2) Pool's Motion for Summary Judgment regarding the alleged vertical conspiracy between Pool and Zodiac; and (3) Pool and Pentair's Joint Motion for Summary Judgment regarding the alleged vertical conspiracy between Pool and Pentair. DPPs suggest that instead of being permitted 30 pages to respond to each motion, they

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<sup>1</sup> R. Doc. 544.

<sup>2</sup> R. Doc. 534.

should be permitted to submit one, 65-page consolidated brief in response to all three motions. In opposition, defendants argue that each alleged vertical conspiracy must be assessed on its own facts at the summary judgment stage, and that permitting DPPs to file a consolidated opposition risks blurring important distinctions between the three manufacturer defendants.

Because one consolidated brief would be more helpful to the Court than three briefs that either parrot or cross-reference each other, the Court grants the motion to consolidate the briefing. The Court limits DPPs' consolidated brief to 60 pages. Sixty pages should be sufficient for DPPs to separately state the facts allegedly establishing each alleged vertical agreement and to set out the relevant legal arguments.

New Orleans, Louisiana, this 31<sup>st</sup> day of December, 2014.



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SARAH S. VANCE  
UNITED STATES DISTRICT JUDGE