

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. 38

Direct Purchaser Plaintiffs (DPPs) move the Court¹ to extend the deadlines established in Pretrial Order No. 30² for resolving objections to exhibits submitted in connection with summary judgment motions. For the following reasons, the Court grants the motion in part and denies it in part.

PTO 30 required the parties to submit "objections to individually listed documents within 21 days of receipt of a motion for summary judgment or response or reply thereto." Thus, DPPs' objections were due December 15, 2014 (21 days after defendants filed their summary judgment motions), and defendants' objections were due February 27, 2015 (21 days after DPPs filed their oppositions to the summary judgment motions). PTO 30 ordered the parties to use the period between March 10, 2015, and April 7, 2015, to meet and confer to attempt to resolve objections. It also ordered the parties to submit unresolved

¹ R. Doc. 628.

² R. Doc. 472.

objections to the Court, in the format described in Pretrial Order No. 25, by April 14, 2015.

DPPs submitted their objections to defendants on time, on December 15, 2014. On February 24, 2015, three days before defendants' objections were due, defendants requested a one-week extension because of a death in the immediate family of one of their attorneys responsible for handling exhibit objections. DPPs suggested that a two-week extension would be fine, and the Court granted defendants a two-week extension. DPPs now request that the Court push back the end date of the meet-and-confer period by two weeks, to April 21, 2015, and push back the deadline for submitting objections to the Court by two weeks, to April 28, 2015. They assert that because they received defendants' objections late on Friday, March 13, 2015, they have not had enough time to review defendants' objections in preparation for the meet-and-confer process.

Proving that eaten bread is soon forgotten, defendants oppose DPPs' motion. They argue that even if DPPs need more time to review defendants' objections, DPPs should at least be ready to begin discussing their own objections, which were filed three months ago. Defendants also argue that the motion is premature until the parties see how the meet-and-confer process goes; they argue that the parties can always move for an extension later if it appears that additional time to meet and confer would be useful.

The Court sees no reason to doubt DPPs' assertion that they need more time to review defendants' objections. At the same time, the original meet-and-confer period was already generous, and defendants are correct that DPPs ought to be able to begin discussing their own objections at this time. Therefore, the Court will push back by *one* week the end date of the meet-and-confer period and the deadline for submitting objections to the Court. The parties have until April 14, 2015, to meet and confer about objections, and until April 21, 2015, to submit their unresolved objections to the Court, in the format described in Pretrial Order No. 25. The Court also orders the parties to update the Court about the status of the meet-and-confer process in their status report due before the April 1, 2015 status conference, and to come to the status conference prepared to discuss the parties' progress.

New Orleans, Louisiana, this 20th day of March, 2015.



SARAH S. VANCE
UNITED STATES DISTRICT JUDGE