

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. 39**

The Court held a Status Conference on April 1, 2015. After hearing from counsel for the parties, the Court issues the following Order:

1. **Objections to Summary Judgment Exhibits:** The parties have filed a joint stipulation withdrawing all of their objections without prejudice.
2. **Settlement Status:** The parties have updated the Court as to the current status of settlement negotiations.
3. **Fee Requests:** In Pretrial Order No. 36, the Court found that the fee requests submitted by Pool, Zodiac, and Pentair in connection with Dr. Rausser's supplemental report and November 3, 2014 deposition were fair and reasonable, and within the scope of the fees authorized by Pretrial Order No. 30, with one exception: Pentair could not recover expert fees or attorneys' fees and costs related to Defendants' Motion to Strike the Supplemental Report of Dr. Rausser as Supplemented on November 3, 2014. The Court ordered Pentair

to revise its fees request in accordance with that limitation and to resubmit the request by January 15, 2015. Pentair timely submitted its revised request, which the Court has reviewed and now approves as fair and reasonable. The Court orders that within 30 days of this Order, counsel for DPPs shall:

- (a) transmit to counsel for the Pool Defendants a certified check, payable to "Pool Corporation," in the amount of \$378,792.70;
- (b) transmit to counsel for Zodiac a certified check, payable to "Zodiac," in the amount of \$25,298.83 and a certified check, payable to "Cornerstone" in the amount of \$152,797.25; and
- (c) transmit to counsel for Pentair a certified check, payable to "Pentair," in the amount of \$314,883.29.

- 4. Oral Argument on Pending Motions:** The Court will hear oral argument on the following three motions on April 22, 2015, beginning at 10:00 A.M.: (1) Defendants' Motion in Limine to Exclude the Testimony of Dr. Gordon Rausser; (2) Plaintiffs' Motion in Limine to Exclude the Testimony of Dr. John Johnson; and (3) Defendants' Motion for Summary Judgment on DPPs' Attempted Monopolization Claims. The Court will notify the parties by the end of next week if it will also hear argument on Defendants' Motion for Summary Judgment on

DPPs' Horizontal Sherman Act Section 1 Claims. Each side shall designate one attorney to argue each motion.

Attorneys should be prepared to identify and produce the documents they cite during oral argument.

New Orleans, Louisiana, this 2nd day of April, 2015.

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

SARAH S. VANCE  
UNITED STATES DISTRICT JUDGE

**In Re: Pool Products Distribution Market Antitrust Litigation**

**NAME** \_\_\_\_\_

**CIVIL ACTION NO.** MDL 12-2328

**CRIMINAL ACTION NO.** \_\_\_\_\_

**PRE-TRIAL CONFERENCE** \_\_\_\_\_

**STATUS CONFERENCE** XXX

**ORAL ARGUMENT** \_\_\_\_\_

**DATE** April 1, 2015 **TIME** 10:00 a.m.

**PLEASE PRINT**

<u>NAME</u>	<u>FIRM</u>	<u>REPRESENT</u>
<u>Tom Fric</u>	<u>Bill Law Firm</u>	<u>IPP</u>
<u>Isaac Diel</u>	<u>Sharp McQueen</u>	<u>IPPs</u>
<u>Melinda Lewitt</u>	<u>Foley &amp; Lardner</u>	<u>Pentair</u>
<u>Michael Lockerby</u>	<u>"</u>	<u>"</u>
<u>Jay Himes</u>	<u>L ch out on</u>	<u>DPPs</u>
<u>DAVID H. BAMBERGER</u>	<u>DLA PIPER</u>	<u>POOL DEFENDANTS</u>
<u>BILLY GAUDET</u>	<u>ADAMS &amp; REESE</u>	<u>" "</u>
<u>Wayne J. Lee</u>	<u>Stone Pigman</u>	<u>Pentair</u> <i>Manufacture defendant</i>
<u>Samantha Griffin</u>	<u>Stone Pigman</u>	<u>Pentair</u>

<b>JS-10:</b>	<b>Time Reported:</b>
<b>Time In:</b> <u>9:00</u>	<b>Pretrial Order Signed: Yes / No</b>
<b>Time Out:</b> <u>9:35</u>	<b>If No, Minute Entry Issued: Yes / No</b>

JS 10 - 35 min  
 msstar - 2:05 min  
 Settlement

In Re: Pool Products Distribution Market Antitrust Litigation

NAME \_\_\_\_\_

CIVIL ACTION NO. MDL 12-2328

CRIMINAL ACTION NO. \_\_\_\_\_

PRE-TRIAL CONFERENCE \_\_\_\_\_

STATUS CONFERENCE XXX

ORAL ARGUMENT \_\_\_\_\_

DATE April 1, 2015 TIME 10:00 a.m.

PLEASE PRINT

<u>NAME</u>	<u>FIRM</u>	<u>REPRESENT</u>
<u>Russ Herman</u>	<u>Deane, Klein, Katz</u>	<u>DPPS</u>
<u>Robert Klein</u>	<u>Kyle Fox + Kesham LLP</u>	<u>"</u>
<u>Gregory K. Hens</u>	<u>"</u>	<u>"</u>
<u>RONALD ARANOFF</u>	<u>Bernstein Liebhard LLP</u>	<u>DPPS</u>
_____	_____	_____
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<b>JS-10:</b>	<b>Time Reported:</b>
Time In: _____	Pretrial Order Signed: Yes / No
Time Out: _____	If No, Minute Entry Issued: Yes / No