

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA
NEW ORLEANS DIVISION**

IN RE: POOL PRODUCTS DISTRIBUTION) MDL No. 2328
MARKET ANTITRUST LITIGATION) SECTION: R(2)
)
) JUDGE VANCE
)
) MAG. JUDGE WILKINSON
)

PRETRIAL ORDER NO. 6

[Non-Waiver of Privilege]

The parties to the above-captioned action are and will be engaged in the production and exchange of documents, including electronically stored information, in responding to discovery requests. All parties acknowledge that, while each party is making and will continue to make efforts to identify and withhold from production any and all documents protected by the work-product doctrine and/or the attorney-client privilege (“Privileged Document(s)”), given the volume and nature of the material that may be exchanged, a possibility exists that Privileged Documents may be produced inadvertently.

Accordingly, pursuant to Fed. R. Evid. 502(d), Fed. R. Civ. P. 26(b)(5) and with the agreement of the parties, the Court Orders as follows:

1. A party who produces any Privileged Document without intending to waive the claim of privilege associated with such document may, within fourteen (14) days after the producing party actually discovers that such inadvertent production occurred, amend its discovery response and, pursuant to Fed. R. Civ. P. 26(b)(5)(B), notify those parties to whom production was made of the claim and the basis for it.

2. After being notified under paragraph 1 of this Order, those parties notified shall, within 14 days, return, sequester, or destroy the specified information and any copies they have. All other parts of Rule 26(b)(5)(B) shall apply in all respects.
3. Inadvertent production of any Privileged Document in this action shall not constitute a waiver of any privilege in any other federal or state proceeding.
4. This Order shall apply in all respects to production made by any non-party.

DONE AND ORDERED this 15th day of June, 2012.


SARAH S. VANCE
United States District Judge

The undersigned consent to entry of this
Proposed Order

Dated: June 12, 2012

Respectfully submitted,

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