

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA**

IN RE: POOL PRODUCTS DISTRIBUTION
MARKET ANTITRUST LITIGATION

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: MDL DOCKET NO. 2328
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: SECTION: R(2)
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: CHIEF JUDGE VANCE
: MAG. JUDGE WILKINSON
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This document relates to:

ALL DIRECT PURCHASER CASES

**DIRECT PURCHASER PLAINTIFFS’ SUBMISSION REGARDING
DEPONENT NAMES PURSUANT TO PRE-TRIAL ORDER NO. 18**

Pursuant to Pretrial Order No. 18 (Doc. No. 282), entered on June 21, 2013, the Direct Purchaser Plaintiffs (DPPs) hereby submit the following list of deponents for both party and non-party depositions. This list does not include deponents covered by Pretrial Order No. 19 (Doc No. 287). DPPs hereby reserve the right to amend their list of deponents in accordance with paragraph 8 of Pretrial Order No. 18. Counsel for Indirect Purchaser Plaintiffs has been contacted and is in agreement with the terms set forth below.

Party Depositions¹

With respect to the DPPs’ depositions of Defendants’ party witnesses, the DPPs and the Defendants have agreed to the following terms:

The Pool Defendants: DPPs and the Pool Defendants have agreed to the depositions of the following individuals:

1. Manuel (“Manny”) Perez de la Mesa
2. Kenneth (“Kenny”) St. Romain
3. Ernesto Salas

¹ The Parties have agreed that “party” depositions include both current employees of the Defendants as well as former employees of the Defendants who are being deposed primarily regarding their former employment with one of the Defendants.

4. Robert Rankin
5. David Cook
6. Steve Dwyer

DPPs' and the Pool Defendants' agreement further provides that DPPs may take up to 9 depositions of the Pool Defendants' party witnesses. Of the 9 depositions, one may be a Rule 30(b)(6) deposition covering the authenticity and admissibility of documents and issues concerning transaction data (a previously noticed topic). Two are placeholders for Pool Defendants' personnel whom DPPs may identify during the course of depositions yet to be taken in the case, about which the parties will meet and confer once a deponent is identified to determine whether such a deposition is necessary, and, if the parties cannot agree, then the deposition will not proceed unless the Court finds that good cause exists for the deposition.

Hayward: DPPs and Hayward have agreed to the depositions of the following individuals:

1. Carlo Buffa
2. Bruce Fisher
3. Michael Massa
4. George Metkovitch
5. Lawrence Silber

DPPs' and Hayward's agreement further provides that DPPs may take up to 7 depositions plus either a stipulation on the admissibility and authenticity of documents or, if the parties cannot agree on an appropriate stipulation, a 30(b)(6) deposition of an appropriate Hayward employee(s) on the admissibility and authenticity of documents. Two of the seven depositions are "wildcards" and will be used as needed and if the facts so dictate.

Zodiac: DPPs and Zodiac have agreed to the depositions of the following individuals:

1. Bob Rasp
2. Vance Gillette
3. Scott Frost
4. Todd Cramer

5. Calvin Johnston
6. Troy Franzen
7. Simon Roy²

DPPs' and Zodiac's agreement further provides that DPPs may take a maximum of 8 depositions plus either a stipulation on the admissibility and authenticity of documents or, if the parties cannot agree on an appropriate stipulation, a 30(b)(6) deposition of an appropriate Zodiac employee on the admissibility and authenticity of documents. One of the 8 depositions will be reserved for the case where an individual's significance becomes apparent during the second wave of depositions; subject to Zodiac's right to apply to the Court for relief seeking to preclude the deposition.

Pentair: DPPs and Pentair have agreed to the depositions of the following individuals:

1. Dave Murray
2. Karl Frykman
3. Carlos Del Amo
4. Bill Whitehurst
5. Scott Levin
6. Gary Golden
7. Steve Zorn
8. Jim Fisher

DPPs' and Pentair's agreement further provides that DPPs may take up to 9 depositions, including the deposition of a previously listed Pentair employee. DPPs also had listed as selected deponents two senior executive from Pentair's corporate parent entity, Randall Hogan and Michael Schrock, and Pentair explained that it would not agree to those depositions. As a way of compromise, the parties have agreed that the depositions of Randall Hogan and Michael Schrock will be deferred at this time pending a later showing of need, and that if DPPs' later elect to pursue deposing these individuals, Pentair retains all rights to challenge the propriety and

² DPPs will defer noticing Simon Roy's deposition pending the Court's ruling on the motion to dismiss, or November 20, 2013, whichever comes first, and may ultimately forego Simon Roy's deposition pursuant to an agreement between the parties.

necessity of those depositions. Additionally, a 30(b)(6) deposition of an appropriate Pentair employee(s) is deferred at this time in the event the parties cannot agree on an appropriate stipulation on the admissibility and authenticity of documents. The parties agree that any such 30(b)(6) deposition may take place, without objection, after the close of fact discovery and that, in any case, the deposition would be scheduled no sooner than after the Court rules on any Motion for Summary Judgment submitted by defendants.

Non-Party Depositions

DPPs and Defendants have agreed that DPPs may take up to 10 non-party depositions and Defendants may take up to 10 non-party depositions. DPPs may depose the following persons:

1. Aquatech
2. Carecraft
3. W.W. Adcock
4. Master Pools Guild
5. Millennium Buying Group
6. Associated Leisure
7. Paul Southerland
8. Huge Pool Supply, Inc., Puerto Rico
9. Aquastar
10. Aquagon

September 10, 2013

Respectfully submitted,

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**Liaison Counsel and Executive Committee Counsel
for the Direct Purchaser Plaintiffs and the Class**

CERTIFICATE OF SERVICE

I hereby certify that the above and foregoing Direct Purchaser Plaintiffs' Submission Regarding Deponent Names Pursuant To Pre-Trial Order No. 18 has been served on Direct Purchaser Plaintiffs' Co-Liaison Counsel, Russ Herman and Camilo Salas, III, Indirect Purchaser Plaintiffs' Liaison Counsel, Thomas H. Brill, Pool Defendants' Liaison Counsel, William Gaudet, and Manufacturer Defendants' Liaison Counsel, Wayne Lee, by e-mail and upon all parties by electronically uploading the same to LexisNexis File & Serve in accordance with Pretrial Order No. 8, and that the foregoing was electronically filed with the Clerk of Court of the United States District Court for the Eastern District of Louisiana by using the CM/ECF System, which will send a notice of electronic filing in accordance with the procedures established in MDL 2328, on this 10th day of September, 2013.

/s/ Leonard A. Davis