

**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

**STIPULATION REGARDING EXPERT MATERIALS**

The Plaintiffs and Defendants agree as follows regarding the scope of any expert discovery in this case, relating to both class certification and the merits, and hereby agree and submit this stipulation and proposed order:

1. Within five business days of any party serving any expert reports and/or expert declarations in this litigation pursuant to Fed. R. Civ. P. 26(a)(2)(B), the party or parties proffering the expert witness shall produce: the data or facts relied upon by the expert witness in forming the expert witness's opinions; any exhibits that summarize or support the expert witness's opinions; the expert witness's qualifications, including a list of all publications authored in the previous 10 years; a list of all other cases in which, during the previous four years, the expert witness has testified as an expert at trial or by deposition; a statement of the amount of compensation to be paid for the expert witness's study and testimony in the case. "Data or facts relied upon" shall be deemed to include, but will not be limited to, underlying data, spreadsheets, computerized regression analysis and/or other underlying reports and schedules sufficient to reconstruct the expert witness's work, calculations, and/or analyses. Information should be produced electronically (via email or disc) where appropriate. Where documents have previously been produced as part of the discovery, identification by Bates

number is sufficient. As to other documents relied upon by the expert, documents that are publicly available need not be produced absent specific request.

2. Notwithstanding the foregoing, the Federal Rules of Civil Procedure, and the relevant case law interpreting the same, the following types of information shall *not* be the subject of discovery:

(a) the content of communications among and between: (i) counsel and the expert and/or the expert's staff and/or supporting firms; (ii) counsel and any non-testifying expert consultant and/or the consultant's staff; (iii) the expert and other experts and/or other non-testifying expert consultants; (iv) experts and their staff and/or supporting firms; (v) non-testifying expert consultants and their staffs; (vi) the respective staffs and/or supporting firms of experts or non-testifying expert consultants and the staffs and/or supporting firms of other experts or non-testifying expert consultants.

(b) notes, drafts, written communications or other records of preliminary work created by, or for, experts or non-testifying expert consultants.

The foregoing exclusions from discovery will not apply to any information, assumptions, communications or documents upon which the expert relies as a basis for his or her opinion.

The parties agree to comply with this Stipulation and Order pending the Court's approval.

**IT IS SO STIPULATED.**

Date: June 8, 2012

Respectfully submitted,

/s/ Camilo Kossy Salas, III.

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DONE AND ORDERED in New Orleans, Louisiana, this 11th day of June,  
2012.

  
SARAH S. VANCE  
UNITED STATES DISTRICT COURT JUDGE