

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. 23

The Court held a status conference on May 13, 2014. After hearing from counsel for the parties, the Court issues the following Order:

1. The Court establishes the following briefing structure for summary judgment motions:

- a. Pool shall submit one consolidated motion for summary judgment on DPPs' attempted monopolization claim and IPPs' analogous state law claims. DPPs and IPPs shall submit a joint response to that motion, and Pool shall submit one reply.
- b. Defendants shall submit one joint motion for summary judgment on DPPs' horizontal conspiracy claim, and one joint reply to DPPs' opposition to that motion.

JS-10:	<u>1:30</u>
MJSTAR:	<u>1:30</u>

- c. Pool and Pentair shall submit one joint motion for summary judgment on DPPs' and IPPs' claim of an illegal vertical conspiracy between Pool and Pentair. DPPs and IPPs shall submit a joint response to that motion, and Pool and Pentair shall submit a joint reply.
 - d. Pool and Zodiac shall submit one joint motion for summary judgment on DPPs' and IPPs' claim of an illegal vertical conspiracy between Pool and Zodiac. DPPs and IPPs shall submit a joint response to that motion, and Pool and Zodiac shall submit a joint reply.
 - e. Pool shall submit one motion for summary judgment on DPPs' and IPPs' claim of an illegal vertical conspiracy between Pool and Hayward. DPPs and IPPs shall submit a joint response to that motion, and Pool shall submit one reply.
2. DPPs and IPPs shall each file one motion for class certification. Defendants shall file a joint response to each of those motions, and DPPs and IPPs shall each file one reply.
 3. Plaintiffs and defendants shall jointly file any *Daubert* motions; that is, only one *Daubert* motion per expert will be permitted.
 4. The parties shall submit to the Court proposals regarding page limits for the foregoing motions, responses, and replies by May 27, 2014.
 5. The parties shall submit to the Court by May 27, 2014, a schedule for resolving disputes concerning the admissibility of

evidence to be submitted with summary judgment motions. That schedule must provide that, by June 30, 2014, the parties will submit to the Court (a) a list of the documents whose admissibility is in dispute and (b) a brief statement of each party's position as to each disputed document.

6. The parties shall contact their agreed-upon private mediator, former United States District Judge Layn Phillips, to schedule a mediation session in October 2014.

7. The parties have advised the Court that DPPs and IPPs have each reached a settlement agreement with Hayward. The parties shall submit motions for preliminary approval of those agreements by June 10, 2014. In light of these potential settlements, the Court suspends all briefing deadlines as to Hayward.

9. The Court will hold the next status conference on August 14, 2014, at 10:00 a.m. Lead counsel and liaison counsel are to meet in Chambers at 9:00 a.m. The parties shall submit to the Court on August 7, 2014, a report identifying all issues the parties wish to discuss at the status conference and their position concerning those issues.

New Orleans, Louisiana, this 14th day of May, 2014.



SARAH S. VANCE
UNITED STATES DISTRICT JUDGE