

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF LOUISIANA

In re: POOL PRODUCTS DISTRIBUTION	*	MDL Docket No. 2328
MARKET ANTITRUST LITIGATION	*	
	*	SECTION R(2)
	*	
	*	JUDGE VANCE
This document relates to All Cases	*	
	*	MAG. JUDGE WILKINSON
* * * * *		

**JOINT REPORT NO. 1 OF DIRECT PURCHASER PLAINTIFFS’
CO-LIAISON COUNSEL AND EXECUTIVE COMMITTEE,
INDIRECT PURCHASER PLAINTIFFS’ LIAISON COUNSEL
AND DEFENDANTS’ LIAISON COUNSEL**

Direct Purchaser Plaintiffs' Co-Liaison Counsel ("DPLC") and Executive Committee, Indirect Purchaser Plaintiffs’ Liaison Counsel (“IPLC”) and Defendants' Liaison Counsel ("DLC") submit this Joint Report No. 1. All Pre-Trial Orders are posted on the court’s website located at www.laed.uscourts.gov which has a tab that links directly to “MDL-2328 Pool Products Distribution Market Antitrust Litigation” under the “Mass Litigation” tab. The Court’s website also includes other postings relevant to the litigation.

I. PRE-TRIAL ORDERS

The Court has issued the following Pre-Trial Orders:

Pre-Trial Order No. 1 entered April 25, 2012 – Initial Case Management/Initial Conference

Pre-Trial Order No. 2 entered May 20, 2012 – Appointing Direct Purchaser Plaintiffs’ Co-Liaison Counsel and Indirect Purchaser Plaintiffs’ Liaison Counsel

Pre-Trial Order No. 2A entered June 4, 2012 – Counsel Contact Form and service of pleadings by Liaison Counsel

Pre-Trial Order No. 3 entered May 29, 2012 – Appointing Defendants’ Liaison Counsel

Pre-Trial Order No. 4 entered May 29, 2012 – Appointing Plaintiffs’ Executive Committee and Plaintiffs’ Steering Committee

Pre-Trial Order No. 5 entered June 4, 2012 – Memorializing Court’s rulings at May 30, 2012 status conference/setting deadlines/setting next status conference

Pre-Trial Order No. 6 entered June 15, 2012 – Non Waiver of Privilege

Pre-Trial Order No. 7 entered July 3, 2012 – Regarding Production of Documents and Electronic Data

II. DISCOVERY

In accordance with Pre-Trial Order No. 5, on June 6, 2012, Direct Purchaser Plaintiffs served document preservation subpoenas on The Association of Pool and Spa Professionals, Hayward Pool Products, Inc., Independent Pool and Spa Service Association, Inc., Pentair Water Pool and Spa, Inc., and Zodiac Pool Systems, Inc.

1. On June 21, 2012, The Association of Pool and Spa Professionals submitted objections to the subpoena and on June 26, 2012, a response to the objections was provided by Direct Purchaser Plaintiffs.

2. On June 19, 2012, Hayward Pool Products, Inc. submitted objections and on June 25, 2012, a response to the objections was provided by Direct Purchaser Plaintiffs.

3. On June 27, 2012, a telephone conference took place between Direct Purchaser Plaintiffs’ counsel and in-house counsel for Independent Pool and Spa Service Association, Inc.

4. On June 27, 2012, Pentair Water Pool and Spas, Inc. objected to the subpoena.

5. On June 19, 2012, Zodiac Pool Systems, Inc. submitted objections and on June 21, 2012, a response to the objections was provided by Direct Purchaser Plaintiffs. On June 27, 2012, counsel for Direct Purchaser Plaintiffs and Zodiac Pool Systems, Inc. conferred.

On June 29, 2012, initial disclosures were exchanged by Direct Purchaser Plaintiffs; Indirect Purchaser Plaintiffs; and Pool Corporation, SCP Distributors, LLC and Superior Pool Products, LLC (the "PoolCorp Defendants").

On June 29, 2012, the PoolCorp Defendants made an initial production of FTC documents and have advised that additional documents will be made on a rolling basis. Direct Purchaser Plaintiffs are in the process of reviewing the initial production.

A proposed time and billing Pre-Trial Order that applies to both direct and indirect plaintiffs' counsel has been submitted to the Court. The Court has not yet issued an Order.

The parties will be prepared to discuss the foregoing at the monthly status conference on July 11, 2012.

III. DIRECT PURCHASERS' AMENDED CLASS ACTION COMPLAINT

On June 29, 2012, Direct Purchaser Plaintiffs filed a Consolidated Amended Class Action Complaint which added three (3) new defendants, namely, Hayward Industries, Inc., Pentair Water Pool and Spa, Inc., and Zodiac Pool Systems, Inc. to the litigation. Each of the new defendants has since been served with the Summons and Consolidated Amended Class Action Complaint.

The parties will be prepared to discuss the foregoing at the monthly status conference on July 11, 2012.

IV. PLAINTIFFS' ORGANIZATIONAL ISSUES

A proposed time and expense billing Pre-Trial Order that applies to both direct and indirect plaintiffs' counsel has been submitted to the Court. The Court has not yet issued an order.

Direct Purchaser Plaintiffs' Co-Liaison Counsel and Executive Committee have had two telephone conference meetings with the Plaintiffs' Steering Committee ("PSC"), one on June 8, 2012 and one on June 28, 2012. An additional PSC meeting is scheduled to occur on July 11, 2012 immediately following the next status conference with the Court.

The parties will be prepared to discuss the foregoing at the monthly status conference on July 11, 2012.

V. LEXISNEXIS FILE & SERVE

Liaison Counsel has been discussing the implementation of utilizing LexisNexis File & Serve, which will assist in providing service of papers on each of the attorneys and parties to the litigation.

The parties will be prepared to discuss the foregoing at the monthly status conference on July 11, 2012.

VI. STIPULATED PROTECTIVE ORDER

On June 25, 2012, the Court issued a Stipulated Protective Order.

VII. ISSUES TO BE ADDRESSED

The joinder of the three additional defendants should be discussed with the Court on July 11, 2012.

VIII. ADDITIONAL MATTERS RELATING TO THE INDIRECT PURCHASER CASE

Indirect Purchasers' Amended Class Action Complaint: On June 14, 2012 an Indirect Purchaser Plaintiffs' First Amended Class Action Complaint was filed, and it adds class plaintiffs Jean Bove representing California putative class members, Lorraine O'Brien representing Florida putative class members, and Ryan Williams representing Missouri putative class members. There are now four states represented by indirect purchaser class plaintiffs - Arizona, California, Florida, and Missouri.

Indirect Purchaser Plaintiffs' Organizational Issues: Indirect Purchaser Plaintiffs' Liaison Counsel has been in discussions with the indirect purchaser counsel regarding all case matters in this report and regarding the proposed time and expense billing Pre-Trial Order. A telephone conference meeting with indirect purchaser counsel will occur immediately following the next status conference with the Court to update counsel on all pending matters.

IX. NEXT STATUS CONFERENCE

Direct Purchaser Plaintiffs' Co-Liaison Counsel and Executive Committee, Indirect Purchaser Plaintiffs' Liaison Counsel and Defendants' Liaison Counsel will be prepared to schedule the next status conference, on a date to be selected by the Court.

Dated: July 6, 2012

Respectfully submitted,

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CERTIFICATE

I hereby certify that the above and foregoing Joint Status Report No. 1 of Direct Purchaser Plaintiffs' Co-Liaison Counsel and Executive Committee, Indirect Purchaser Plaintiffs' Liaison Counsel and Defendants' Liaison Counsel has been served upon all parties in accordance with Pre-Trial Order No. 2A, 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 6th day of July, 2012.

/s/ Leonard A. Davis