

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA

IN RE: POOL PRODUCTS DISTRIBUTION
MARKET ANTITRUST LITIGATION

MDL DOCKET NO. 2328

SECTION: R(2)

This document relates to:

CHIEF JUDGE VANCE
MAG. JUDGE WILKINSON

ALL DIRECT PURCHASER CASES

[PROPOSED] ORDER GRANTING FINAL APPROVAL OF THE SETTLEMENTS
BETWEEN DIRECT PURCHASER PLAINTIFFS AND DEFENDANTS HAYWARD
INDUSTRIES, INC. AND ZODIAC POOL SYSTEMS, INC.

It is hereby ORDERED AND DECREED as follows:

1. The motion of Direct Purchaser Plaintiffs (“Plaintiffs”) for final approval of the proposed class action Settlements between Plaintiffs and Defendants Hayward Industries, Inc. (“Hayward”) and Zodiac Pool Systems, Inc. (“Zodiac”), is hereby GRANTED.

2. On the basis of the entire record before the Court, including a full fairness hearing, the Court finds that the proposed Settlements are sufficiently fair, reasonable, and adequate to the following Hayward and Zodiac Settlement Classes (“Settlement Classes”), certified for settlement purposes only:

All persons and entities located in the United States that purchased Pool Products in the United States directly from PoolCorp, during the Class Period from November 22, 2007 to November 21, 2011. Excluded from the Settlement Class are Defendants and their subsidiaries, parents, or affiliates, whether or not named as a Defendant in the Second Consolidated Amended Class Action Complaint, and government entities.

As specified in this definition, the Settlement Classes excludes Hayward, Zodiac, the other Defendants, their subsidiaries, parents, or affiliates as well as all government entities. Also

excluded from the Settlement Classes are any Class Members who exclude themselves by filing a timely, valid request for exclusion.

3. For the reasons set forth in the Court's September 26, 2014 and December 22, 2014 Orders (R. Doc 483; R. Doc. 547), for purposes of settlement and on the basis of the entire record before the Court, the Court finds that the Settlement Classes fully comply with the requirements of Federal Rule of Civil Procedure 23. Specifically, the Court finds: (1) the members of the Settlement Classes are so numerous that joinder of all members is impracticable; (2) there are questions of law or fact common to the Settlement Classes; (3) the claims or defenses of the representative parties are typical of the claims or defenses of the Settlement Classes; and (4) the representative parties will fairly and adequately protect the interests of the Classes. Additionally, for purposes of settlement, the Court finds that Federal Rule of Civil Procedure 23(b)(3) is satisfied because there are questions of law or fact common to class members which predominate over any questions affecting only individual members, and that a class action is superior to other available methods for fairly and efficiently adjudicating the controversy.

4. This Court retains exclusive jurisdiction over the action to consider all further matters arising out of, or connected with, the Settlements.

IT IS SO ORDERED.

Dated: _____

BY THE COURT:

Sarah S. Vance
United States District Judge