

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

In re PVC Pipe Antitrust Litigation

Case No. 1:24-cv-07639

Hon. LaShonda A. Hunt

**ORDER APPOINTING LOCKRIDGE GRINDAL NAUEN PLLP AND SCOTT+SCOTT
ATTORNEYS AT LAW LLP AS CO-LEAD CLASS COUNSEL AND
COHEN MILSTEIN SELLERS & TOLL PLLC AS LIAISON COUNSEL**

This matter having come before the Court regarding the appointment of co-lead class counsel and liaison counsel on behalf all purchasers of PVC Pipes through a non-converter seller (hereinafter, the “Proposed Class”); Plaintiffs’ counsel having submitted a Motion to Appoint Lockridge Grindal Nauen PLLP and Scott+Scott Attorneys at Law LLP Co-Lead Class Counsel Pursuant to Federal Rule of Civil Procedure 23(g) on September 26, 2024 (the “Motion”); the Court having reviewed the submissions by counsel and considered the factors outlined in Rule 23(g) of the Federal Rules of Civil Procedure; and having found that the Motion presents highly skilled counsel with diverse backgrounds and experience which will provide the Court with an effective structure to advance this litigation in an efficient and just manner, and for good cause shown the Court hereby appoints the following:

A. Co-Lead Class Counsel

- Lockridge Grindal Nauen PLLP
- Scott+Scott Attorneys at Law LLP

B. Liaison Counsel

- Cohen Milstein Sellers & Toll PLLC

C. Duties of Co-Lead Class Counsel

1. It shall be Co-Lead Class Counsel's duty to determine and present to the Court and opposing parties the position of Plaintiffs on all matters arising from pretrial proceedings. This includes the duty to coordinate the responsibilities of the attorneys, appear at periodic court-noticed status conferences, and to perform other necessary substantive, administrative, or logistical functions to ensure the work in this case is conducted in an efficient and professional manner. Co-Lead Class Counsel may call upon such other counsel as they deem necessary to effectively and efficiently prosecute this matter, subject to the guidelines provided in Exhibit C to the Declaration of Brian D. Clark in Support of Memorandum of Law in Support of Motion to Appoint Co-Lead Class Counsel.

2. Co-Lead Class Counsel duties include conducting the litigation and coordinating the efforts in conducting the litigation, including, but not limited to, the following:

a. Discovery

- i. Initiate, coordinate, and conduct all pretrial discovery on behalf of all Class Plaintiffs who file actions in this Court or that are transferred to this Court pursuant to 28 U.S.C. § 1404 related to Defendants' alleged price-fixing conspiracy.
- ii. Develop and propose to the Court schedules for the commencement, execution, and completion of all discovery on behalf of the Class.
- iii. Initiate, coordinate, and cause to be issued in the name of the Class the necessary discovery requests, motions, and subpoenas pertaining to any witness and documents needed to properly prepare for trial or relevant issues found in the pleadings of this litigation.

- iv. Identify witnesses to be noticed for deposition, schedule witness depositions, and determine the lead examiner(s) for each noticed deposition.
 - v. Ensure that all discovery is conducted in a coordinated, efficient, and consolidated manner on behalf and for the benefit of all members of the Class.
- b. Conduct Motion Practice, Hearings, and Meetings
- i. Submit any motions presented to the Court on behalf of all members of the Class as well as oppose, when necessary, any motions submitted by the Defendants or non-parties.
 - ii. Initiate proposals, suggestions, schedules, or joint briefs, and any other appropriate matter(s) pertaining to pretrial proceedings.
 - iii. Examine witnesses and introduce evidence at hearings on behalf of the Class.
 - iv. Act as spokesperson(s) for the Class at pretrial proceedings and in response to any inquiries by the Court.
- c. Contact with Defense Counsel
- i. Initiate, coordinate, and conduct the requisite meet and confers with Defendants, confer with Defendants regarding procedural matters, and negotiate and enter into stipulations with Defendants regarding this litigation.
 - ii. Explore or designate other counsel to explore, develop, and pursue settlement options with Defendants on behalf of the Class.

- d. Maintain adequate contemporaneous time and cost records overseeing services as Co-Lead Class Counsel.
- e. Trial
 - i. Oversee the trial strategy and act as trial counsel.
- f. Administrative Duties
 - i. Serve as the recipient of all Court Orders;
 - ii. Coordinate services and filings;
 - iii. Make themselves available for any telephone conferences convened by the Court;
 - iv. Act as the Class's treasurer for any common benefit fund and/or assessments;
 - v. Call upon additional counsel, as needed, to perform work under direction from Co-Lead Class Counsel; and
 - vi. Carry out such other duties as the Court may order.

3. Communications with the Court: All communications from the Class with the Court should be through Co-Lead Class Counsel or Liaison Counsel. If circumstances require direct correspondence with the Court by an individual counsel, copies of any said communications shall simultaneously be served upon Plaintiffs' Co-Lead Class Counsel.

4. In no event shall any document be filed, or any discovery be served, on behalf of the Class without the approval of Co-Lead Class Counsel or leave of Court; any such filing or served document may be stricken.

D. Responsibilities of Plaintiffs' Class Liaison Counsel

- 1. Liaison Counsel shall:

- a. Receive and, as appropriate, distribute to co-counsel orders from the Court and documents from opposing parties and counsel;
- b. Coordinate service and filings for Class Plaintiffs;
- c. Receive and distribute pleadings, Orders, and motions;
- d. Maintain and distribute to co-counsel and to Defendants' Counsel an up-to-date service list; and
- e. Perform work under the direction of Co-Lead Counsel and carry out any other duties requested by Co-Lead Counsel, or ordered by the Court.

E. Common Benefit Time and Expenses

1. Plaintiffs' Co-Lead Class Counsel shall follow the proposal they submitted in their application for appointment of leadership (ECF No. 112-3, Ex. C) that provides the standards and procedures to be used by any counsel seeking fees and expenses for work performed in this case on behalf of the Class.

2. Once such protocol is approved by the Court, Co-Lead Class Counsel shall be responsible for collecting monthly detailed, itemized time and expense reports from all counsel performing work on behalf of the Class. Co-Lead Class Counsel is responsible for auditing and approving such time and expenses in a manner that ensures that this litigation is conducted in a cost-effective manner on behalf of the Class.

Dated: September 30, 2024

ENTERED:



LASHONDA A. HUNT

UNITED STATES DISTRICT JUDGE