

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION

In re Polyurethane Foam Antitrust  
Litigation

Case No. 1:10 MD 2196

ORDER RE: FOLLOW-UP TO MAY 27,  
2014 RECORD PHONE CONFERENCE

This document relates to:  
ALL CASES

JUDGE JACK ZOUHARY

This Court held a record Phone Conference (Court Reporter: Angela Nixon) on Tuesday, May 27, 2014 at 1:30 p.m. (EDT), ruling as follows:

1. Defendants' Motion to Compel Further Responses to First Set of Interrogatories (Docs. 1149) is denied in part and granted in part. The Indirect Purchaser Class will provide fuller responses to Defendants' First Set of Interrogatories. See hearing transcript for details.
2. Direct Action Plaintiffs' Motion to Compel FFP to Produce Limited Documents (Docs. 1157) is denied in part and granted in part. FFP will submit for this Court's *in camera* review a copy of the relevant purchase agreement, redacting information discussing the specific financials of the deal while retaining information necessary to show which party to the transaction retains liability for the claims asserted in these consolidated proceedings. This Court will review the submitted materials, and contact the parties if it determines further discussion or materials submission is necessary. See hearing transcript for details.
3. Direct Purchaser Class' Renewed Motion for Protective Order Regarding Defendants' Subpoena to Absent Class Member Chestnut Ridge Foam (Doc. 1167) is denied for the reasons stated during the Phone Conference and in Defendants' Brief in Opposition (Doc. 1179).

4. Carpenter Defendants' May 19 Report to Court (Doc. 1172). Plaintiffs and the Carpenter Defendants will meet and confer, attempting to agree on a set of search terms for use in querying the documents produced to or seized by the European Commission. Search terms will be limited to those aimed at identifying materials that relate to events in the United States. If the parties cannot agree on a list of search terms, they will submit to Chambers via email ([zouhary\\_chambers@ohnd.uscourts.gov](mailto:zouhary_chambers@ohnd.uscourts.gov)) one set of search terms proposed by Plaintiffs, and one set of search terms proposed by the Carpenter Defendants. See transcript for details.
5. General Motors' Motion for Issuance of an Amended Scheduling Order or Suggestion of Remand to the Judicial Panel on Multidistrict Litigation (Doc. 1174) is denied without prejudice. This Court will revisit the issue of an amended scheduling order, applicable to the non-October trial cases, once the parties propose the case or cases that will proceed to trial in October 2014 in this Court.
6. Scheduling of Defendants' experts' depositions. The parties will meet and confer regarding Plaintiffs' request to be granted additional time to depose Defendants' merits experts, and to adjust case schedule dates to accommodate additional deposition time. As discussed during the hearing, this Court is inclined to grant Plaintiffs some amount of additional deposition time. If the parties cannot agree on a modified deposition procedure, they will submit proposed amendments to Chambers via email.
7. Next steps on CAP Carpet-Mohawk arbitration issues (May 19 and 27 Letters to Court). The parties will meet and confer regarding Mohawk's recent revelation that portions of CAP Carpet's Class Period Mohawk purchases may not be governed by an arbitration clause. It is this Court's hope that the parties can agree as to which portion of the Class Period claims are (or by agreement of the parties, will be) subject to arbitration. If not, the parties will contact Chambers via email to suggest next steps. See transcript for details.

IT IS SO ORDERED.

s/ Jack Zouhary  
JACK ZOUHARY  
U. S. DISTRICT JUDGE

May 30, 2014