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VIA CM/ECF AND VIA REGULAR MAIL

November 1, 2013

The Honorable Anne E. Thompson
Senior United States District Judge
Clarkson S. Fisher Fed. Bldg. and U.S. Cthse.
402 East State Street, Room 4000
Trenton, New Jersey 08608

Re: **IN RE DUCTILE IRON PIPE FITTINGS (“DIPF”) INDIRECT PURCHASER ANTITRUST LITIG.**
Civil Action No. 12-169 (AET)(LHG)

Dear Judge Thompson:

This office represents defendant SIGMA Corporation (“SIGMA”) in the above referenced consolidated case (the “consolidated action”). In addition, I have been authorized to submit the following on behalf of defendant McWane, Inc. (“McWane”).

An issue has arisen in respect of the handling of the consolidated case of State of Indiana v. McWane, Civ. No. 12-6667 (the “Indiana case”). On October 31, 2013, the State of Indiana filed notices of entry of default against McWane and SIGMA in both the Indiana case and in the consolidated action. To place the error of that action in its proper context, a review of the background of this matter is both necessary and helpful as the State of Indiana’s recent actions implicate -- and, in our view, violate -- the Court’s May 10 and 14, 2012 consolidation orders as well as its June 26, 2013 order consolidating the Indiana case with the consolidated action. In particular, the Court’s May 14, 2012 order specifically states that “[d]efendants are not required to answer or otherwise respond to any Complaint in any of the above actions except the consolidated complaint that is to be filed[.]”

THE ORIGINAL CONSOLIDATION

Originally, a total of nineteen separate indirect purchaser plaintiff lawsuits were filed in the District of New Jersey, each one alleging antitrust and like claims against the same three defendants. On May 4, 2012, the Court issued an oral order of consolidation. By an order dated May 10, 2012, the Court reaffirmed that the indirect purchaser plaintiffs cases had been consolidated and appointed Lisa J. Rodriguez, Esq. as interim co-liaison counsel, and Messrs. Asher, Kovel and Kohn as interim co-lead counsel; for ease of reference, a true and correct copy

A PA Limited Liability Partnership | Steven W. Sufas, Managing Partner

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Philadelphia | Phoenix | Salt Lake City | San Diego | Washington, DC | Wilmington
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The Honorable Anne E. Thompson, S.U.S.D.J.
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of the May 10, 2012 order is attached hereto as **Exhibit “A”** and is made a part hereof by reference. In that respect, the May 10, 2012 order specifically provides that “no filings shall be made on behalf of any Indirect Purchaser Plaintiff in the Indirect Purchaser Consolidated action except through the Interim Indirect Counsel, or by leave of Court[.]”

By an order dated May 14, 2012, the Court set forth the procedure to be followed “[i]f a case that arises out of the same subject matter as the . . . Indirect Purchaser Consolidated Action is hereafter filed in this Court or is transferred from another court (together, a ‘Subsequent Action’)[.]” It further provided that “[e]ach Subsequent Acton shall be consolidated with the . . . Indirect Purchaser Consolidated Action, and this Order shall apply to the Subsequent Action, unless a party objects to consolidation.” More to the point, the May 14, 2012 order states that “[d]efendants are not required to answer or otherwise respond to any Complaint in any of the above actions except the consolidated complaint that is to be filed[.]” Again, for ease of reference, a true and correct copy of the May 14, 2012 order is attached hereto as **Exhibit “B”** and is made a part hereof by reference.

THE INDIANA CASE AND ITS CONSOLIDATION

On October 23, 2012 -- five months after the Court’s May 2012 consolidation order -- the Indiana case was filed. As required by the terms of the Court’s May 14, 2013 order, on November 5, 2012, a copy of that order was filed of record in the Indiana case. On November 15, 2013, the State of Indiana filed its objection to consolidation, arguing that its matter should proceed separately from the consolidated action. As provided in the Court’s May 14, 2012 order, on November 20, 2012, the defendants in the consolidated action filed their notice of “Subsequent Action” in respect of the Indiana case. By an order dated June 26, 2013, the Court rejected the State of Indiana’s objections to consolidation and “ORDERED that the [Indiana case] is hereby consolidated with the Indirect Purchaser Litigation, Civ. No. 12-169, for pretrial purposes.” For ease of reference, a true and correct copy of the June 26, 2013 order is attached hereto as **Exhibit “C”** and is made a part hereof by reference. The State of Indiana never sought reconsideration of the Court’s June 26, 2013 order; and that order should have ended any discussion of this question.¹ Moreover, the State of Indiana never sought relief from this Court’s May 10, 2012 Order that “no filings shall be made . . . except through Interim Indirect Counsel[.]” Instead, the State of Indiana simply filed its motion in contravention of the Order.

¹ Inexplicably, although the State of Indiana claims that McWane and SIGMA have been in default since October 16, 2013, it remained curiously silent about the alleged “default” through and including its appearance at a conference before the Honorable Lois H. Goodman, U.S. Magistrate Judge, on October 28, 2013. The rationale for that silence is even more questionable when the State of Indiana stood mute after Magistrate Judge Goodman asked all present whether there was anything else that needed to be discussed while everyone was present, and when the entire point of the conference was to plan how discovery was to proceed in the case.

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THE QUESTION PRESENTED

Although the Court has appointed interim liaison and co-lead counsel in this consolidated case, the State of Indiana and its counsel are insisting -- contrary to the Court's May 10 and 14, 2012 and June 26, 2013 orders -- that they have the right to engage in an active role in the consolidated action. That disregard for the Court's earlier orders now has reached a tipping point: on October 31, 2013, the State of Indiana filed notices of entry of default against McWane and SIGMA in both the consolidated action and the Indiana case. As the basis for those filings, the State of Indiana asserts that McWane and SIGMA were obliged to but did not file answers to the Indiana case when they filed their respective timely answers to those portions of the indirect purchaser plaintiffs' consolidated second amended class action complaint that were not dismissed by the Court by its October 2, 2013 opinion and order.²

McWane and SIGMA respectfully submit that the Court's May 10 and 14, 2012 consolidation orders and the June 26, 2013 order rejecting the State of Indiana's objections to consolidation and consolidating the Indiana case with the consolidated action not only forbids the actions taken by the State of Indiana, but bars the State of Indiana from continuing to interfere with the consolidated action. See *Fed. R. Civ. P.* 42(a) (authorizing consolidation); *Cella v. Togum Constructeur Ensembleier En Industrie Alimentaire*, 173 F.3d 909, 912 (3d Cir. 1999) (stating that consolidation order "result[s] in a single unit of litigation").

RELIEF REQUESTED

For those reasons, McWane and SIGMA respectfully request that the Court should (i) strike the requests for entry of default filed on October 31, 2013 by the State of Indiana in both the

² Once the Court decided defendants' several motions to dismiss, counsel for SIGMA contacted interim co-lead counsel for the indirect purchaser plaintiffs to inquire whether the indirect purchaser plaintiffs intended to file a new consolidated complaint that conformed to the rulings the Court reached in its October 2, 2013 opinion and order. Interim co-lead counsel for the indirect purchaser plaintiffs advised that the indirect purchaser plaintiffs did not intend to file a new amended consolidated complaint. Based on that representation, McWane and SIGMA answered the only consolidated complaint that was on file.

Tellingly, although the Clerk of Court docketed the default in the Indiana case, he rejected that filing in the consolidated action, noting that the State of Indiana's request for default "cannot be granted as requested because an Answer has been filed by both parties."

Also, it is worthwhile to note that the complaint filed by the State of Indiana is an almost verbatim copy of the consolidated complaints filed by both the direct purchaser plaintiffs and the indirect purchaser plaintiffs; thus, McWane and SIGMA already have answered all pertinent allegations in the State of Indiana's complaint.

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November 1, 2013
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consolidated action and in the Indiana case, and (ii) instruct the State of Indiana that it must abide by the Court's several orders in respect of the conduct of the consolidated action.

We raise this matter informally, by way of this letter, in the hope that the behavior that gives rise to these concerns will be corrected and will cease.³ That said, if the Court deems it appropriate that the matter be brought to the Court's cognizance more formally by way of an order to show cause, we shall be happy to do so.

Looking forward to receiving your Honor's direction in this matter, I remain, as always,

Respectfully yours,

BALLARD SPAHR LLP

By: 
Roberto A. Rivera-Soto

encls.

cc(w/encl.): The Honorable Lois H. Goodman
United States Magistrate Judge (VIA CM/ECF AND Via Regular Mail)

Indirect Purchaser Plaintiffs (VIA CM/ECF AND VIA EMAIL)

Lisa J. Rodriguez, Esq. (Interim Liaison Counsel)
Steven A. Asher, Esq. (Interim Co-Lead Counsel)
David Kovel, Esq. (Interim Co-Lead Counsel)
Joseph C. Kohn, Esq. (Interim Co-Lead Counsel)

Counsel for State of Indiana (VIA CM/ECF AND VIA EMAIL)

Bryan L. Clobes, Esq.
Patrick E. Cafferty, Esq.
Kelly L. Tucker, Esq.
Robert M. Foote, Esq.

³ Earlier today, several hours before submitting this letter, counsel for SIGMA telephoned counsel for the State of Indiana to discuss this matter; counsel for the State of Indiana was not in and a message was left. No response has been received.

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Counsel for McWane, Inc. (VIA CM/ECF AND VIA EMAIL)

Joseph Ostoyich, Esq.
Erik Koons, Esq.
William Lavery, Esq.
John J. O'Reilly, Esq.
Mark S. Morgan, Esq.

Counsel for Star Pipe Products, Ltd. (VIA CM/ECF AND VIA EMAIL)

Gregory Huffman, Esq.
Joseph J. Fleischman, Esq.

Co-Counsel for SIGMA Corporation ((VIA CM/ECF AND VIA EMAIL)

Leslie John, Esq.
Matthew A. White, Esq.
Jason Leckerman, Esq.
Benjamin M. Schmidt, Esq.

EXHIBIT “A”

NOT FOR PUBLICATION

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

RECEIVED

MAY 10 2012

AT 8:30
WILLIAM T. WALSH^M
CLERK

YATES CONSTRUCTION CO., INC., On
Behalf of Itself and All Others Similarly
Situated,

Plaintiffs,

v.

SIGMA CORPORATION, MCWANE, INC.,
and STAR PIPE PRODUCTS, LTD.,

Defendants.

Civil No. 12-169 (AET) (LHG)

JOHN HOADLEY AND SONS, INC., On
Behalf of Itself and All Others Similarly
Situated,

Plaintiffs,

v.

SIGMA CORPORATION, MCWANE, INC.,
and STAR PIPE PRODUCTS, LTD.,

Defendants.

Civil No. 12-711 (AET) (LHG)

THOMPSON DISTRIBUTION, On Behalf of
All Others Similarly Situated,

Plaintiffs,

v.

SIGMA CORPORATION, MCWANE, INC.,
and STAR PIPE PRODUCTS, LTD.,

Defendants.

Civil No. 12-717 (AET) (LHG)

SOUTH HUNTINGTON WATER DISTRICT,
On Behalf of Itself and Others Similarly
Situated,

Plaintiffs,

v.

SIGMA CORPORATION, MCWANE, INC.,
and STAR PIPE PRODUCTS, LTD.,

Defendants.

Civil No. 11-734 (AET) (LHG)

WATER LINE SUPPLY, LLC and PUBLIC
WORKS SUPPLY CO., INC., Individually and
On Behalf of All Others Similarly Situated,

Plaintiffs,

v.

SIGMA CORPORATION, MCWANE, INC.,
and STAR PIPE PRODUCTS, LTD.,

Defendants.

Civil No. 11-788 (AET) (LHG)

HI LINE SUPPLY CO., LTD., On Behalf of
Itself and All Others Similarly Situated,

Plaintiffs,

v.

SIGMA CORPORATION, MCWANE, INC.,
and STAR PIPE PRODUCTS, LTD.,

Defendants.

Civil No. 12-859 (AET) (LHG)

WATERLINE INDUSTRIES
CORPORATION & WATERLINE
SERVICES, LLC., On Behalf of All Others
Similarly Situated,

Plaintiffs,

v.

SIGMA CORPORATION, MCWANE, INC.,
and STAR PIPE PRODUCTS, LTD.,

Defendants.

Civil No. 12-1022 (AET) (LHG)

CITY OF DESOTO, On Behalf of All Others
Similarly Situated,

Plaintiffs,

v.

SIGMA CORPORATION, MCWANE, INC.,
and STAR PIPE PRODUCTS, LTD.,

Defendants.

Civil No. 12-1182 (AET) (LHG)

SUMMIT PIPE & SUPPLY CO., INC. and
SUMMIT PIPE AND SUPPLY COMPANY
OF MISSISSIPPI, INC., Individually and On
Behalf of All Others Similarly Situated,

Plaintiffs,

v.

SIGMA CORPORATION, MCWANE, INC.,
and STAR PIPE PRODUCTS, LTD.,

Defendants.

Civil No. 12-1331 (AET) (LHG)

VILLAGE OF WOODRIDGE, On Behalf of
All Others Similarly Situated,

Plaintiffs,

v.

SIGMA CORPORATION, MCWANE, INC.,
and STAR PIPE PRODUCTS, LTD.,

Defendants.

Civil No. 12-1733 (AET) (LHG)

COASTAL PLUMBING SUPPLY
COMPANY INC., On Behalf of All Others
Similarly Situated,

Plaintiffs,

v.

SIGMA CORPORATION, MCWANE, INC.,
and STAR PIPE PRODUCTS, LTD.,

Defendants.

Civil No. 12-1819 (AET) (LHG)

CITY AND COUNTY OF DENVER, acting
by and through its BOARD OF WATER
COMMISSIONERS, On Behalf of Itself and
On Behalf of All Others Similarly Situated,

Plaintiffs,

v.

SIGMA CORPORATION, MCWANE, INC.,
and STAR PIPE PRODUCTS, LTD.,

Defendants.

Civil No. 12-1994 (AET) (LHG)

Joanne B. FRIEDMEYER, as trustee of the
bankruptcy estate of DISTRIBUTION ONE,
LLC, Individually and On Behalf of All Others
Similarly Situated,

Plaintiffs,

v.

SIGMA CORPORATION, MCWANE, INC.,
and STAR PIPE PRODUCTS, LTD.,

Defendants.

Civil No. 12-2018 (AET) (LHG)

CITY OF LEXINGTON, On Behalf of Itself
and All Others Similarly Situated,

Plaintiffs,

v.

SIGMA CORPORATION, MCWANE, INC.,
and STAR PIPE PRODUCTS, LTD.,

Defendants.

Civil No. 12-2172 (AET) (LHG)

CITY OF HALLANDALE BEACH, On
Behalf of Itself and All Others Similarly
Situated,

Plaintiffs,

v.

SIGMA CORPORATION, MCWANE, INC.,
and STAR PIPE PRODUCTS, LTD.,

Defendants.

Civil No. 12-2259 (AET) (LHG)

GROENIGER & COMPANY, On Behalf of
Itself and All Others Similarly Situated,

Plaintiffs,

v.

SIGMA CORPORATION, MCWANE, INC.,
and STAR PIPE PRODUCTS, LTD.,

Defendants.

Civil No. 12-2260 (AET) (LHG)

CITY OF FARGO, On Behalf of Itself and All
Others Similarly Situated,

Plaintiffs,

v.

SIGMA CORPORATION, MCWANE, INC.,
and STAR PIPE PRODUCTS, LTD.,

Defendants.

Civil No. 12-2563 (AET) (LHG)

SUPERLON PLASTICS CO., INC., On Behalf
of Itself and All Others Similarly Situated,

Plaintiffs,

v.

SIGMA CORPORATION, MCWANE, INC.,
and STAR PIPE PRODUCTS, LTD.,

Defendants.

Civil No. 12-2678 (AET) (LHG)

WAYNE COUNTY, On Behalf of Itself and
All Others Similarly Situated

Plaintiffs,

v.

SIGMA CORPORATION, MCWANE, INC.,
and STAR PIPE PRODUCTS, LTD.;

Defendants.

Civil No. 12-2682 (AET) (DEA)

ORDER

This matter has come before the Court on numerous Motions to Appoint Interim Liaison and Lead Counsel in the above-captioned matters pursuant to Federal Rule of Civil Procedure 23(g). Oral arguments were held on these motions on May 4, 2012. The Court has considered the arguments made by the parties on the record and all written submissions. Pursuant to the oral order of consolidation entered on May 4, 2012, which shall be memorialized into a written Order to be filed at a later date, the Court rules as follows:

IT IS on this 10th day of May, 2012,

ORDERED that the following attorneys are to be appointed Interim Co-Liaison Counsel in the Consolidated Direct Purchaser cases, whose role has been set forth in numerous submissions to the Court:

Allyn Z. Lite, Esq.
Lite DePalma Greenberg, LLC

Karen A. Confoy, Esq.
Sterns & Weinroth, P.C.;

and it is

ORDERED that Interim Co-Liaison Counsel in the Consolidated Direct Purchasers cases are to submit to the Court within 10 days the names of two attorneys and their respective law firms that represent one or more Direct Purchasers in one of the above-captioned cases to serve

as Interim Co-Lead Counsel in the Consolidated Direct Purchaser cases (Co-Liaison and Co-Lead Counsel collectively, "Interim Direct Counsel"); and it is

ORDERED that Interim Co-Liaison Counsel in the Consolidated Direct Purchaser cases may also appoint an Executive Committee as deemed appropriate; and it is

ORDERED that no filings shall be made on behalf of any Direct Purchaser Plaintiff in the Direct Purchaser Consolidated action except through the Interim Direct Counsel, or by leave of Court; and it is

ORDERED that the following attorney is to be appointed Interim Liaison Counsel in the Consolidated Indirect Purchaser cases, whose role has been set forth in numerous submissions to the Court:

Lisa J. Rodriguez, Esq.
Trujillo, Rodriguez & Richards, LLC;

and it is

ORDERED that the following attorneys are to be appointed as Interim Co-Lead Counsel in the Consolidated Indirect Purchaser cases (Interim Liaison and Co-Lead Counsel collectively, "Interim Indirect Counsel"), whose role has been set forth in numerous submissions to the Court:

Steven A. Asher, Esq.
Weinstein, Kitchenoff & Asher, LLC

David E. Kovel, Esq.
Kirby McInerney LLP

Joseph C. Kohn, Esq.
Kohn, Swift & Graf, P.C.;

and it is

ORDERED that no filings shall be made on behalf of any Indirect Purchaser Plaintiff in the Indirect Purchaser Consolidated action except through the Interim Indirect Counsel, or by leave of Court; and it is

ORDERED that all counsel listed above are deemed adequate under Federal Rule of Civil Procedure 23(g)(1) and (4), and best able to represent the interests of their respective classes; and it is

ORDERED that this Order shall apply to both the Consolidated Direct Purchaser action and the Consolidated Indirect Purchaser action, which will be more fully defined in a written order to be filed at a later date, as well as to each subsequent action filed or transferred to the United States District Court for the District of New Jersey on behalf of either a Direct Purchaser or an Indirect Purchaser of ductile iron pipe fittings ("DIPF") from Defendants in the above-captioned cases arising from the same facts and circumstances and making substantially the same allegations as those asserted in the above-captioned cases or otherwise related to the above-captioned cases within the meaning of Local Civil Rule 40.1(c); and it is

ORDERED that an Amended Complaint is to be filed by the class of Direct Purchasers in its respective consolidated case within 30 days from the date of this Order; and it is

ORDERED that Defendants shall answer, move, or otherwise respond within 45 days from the filing of the Amended Complaint in the Consolidated Direct Purchaser action; and it is

ORDERED that an Amended Complaint is to be filed by the class of Indirect Purchasers in its respective consolidated case within 30 days from the date of this Order; and it is

ORDERED that Defendants shall answer, move, or otherwise respond within 45 days from the filing of the Amended Complaint in the Consolidated Indirect Purchaser action; and it is

ORDERED that the following motions are to be administratively terminated from their respective dockets by the Clerk of the Court:

- 12-cv-169 [docket # 14]
- 12-cv-711 [docket #s 5, 15, 35, 44]
- 12-cv-717 [docket #s 5, 22, 43, 50]
- 12-cv-734 [docket # 3]
- 12-cv-788 [docket #s 4, 15, 35, 41]
- 12-cv-859 [docket #s 15, 35, 44]
- 12-cv-1331 [docket #s 3, 6, 31, 40]
- 12-cv-1733 [docket # 9]
- 12-cv-1819 [docket #s 13, 19]
- 12-cv-1994 [docket #s 8, 30]
- 12-cv-2018 [docket #s 7, 16]
- 12-cv-2260 [docket # 3].


ANNE E. THOMPSON, U.S.D.J.

EXHIBIT “B”

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

R E C E I V E D

MAY 14 2012

YATES CONSTRUCTION CO., INC., On
Behalf of Itself and All Others Similarly
Situated,

Plaintiffs,

v.

SIGMA CORPORATION, MCWANE, INC.,
and STAR PIPE PRODUCTS, LTD.,

Defendants.

AT 8:30 _____^M
WILLIAM T. WALSH
CLERK

Civil No. 12-169 (AET) (LHG)

JOHN HOADLEY AND SONS, INC., On
Behalf of Itself and All Others Similarly
Situated,

Plaintiffs,

v.

SIGMA CORPORATION, MCWANE, INC.,
and STAR PIPE PRODUCTS, LTD.,

Defendants.

Civil No. 12-711 (AET) (LHG)

THOMPSON DISTRIBUTION, On Behalf of
All Others Similarly Situated,

Plaintiffs,

v.

SIGMA CORPORATION, MCWANE, INC.,
and STAR PIPE PRODUCTS, LTD.,

Defendants.

Civil No. 12-717 (AET) (LHG)

**SOUTH HUNTINGTON WATER DISTRICT,
On Behalf of Itself and Others Similarly
Situated,**

Plaintiffs,

v.

**SIGMA CORPORATION, MCWANE, INC.,
and STAR PIPE PRODUCTS, LTD.,**

Defendants.

Civil No. 12-734 (AET) (LHG)

**WATER LINE SUPPLY, LLC and PUBLIC
WORKS SUPPLY CO., INC., Individually and
On Behalf of All Others Similarly Situated,**

Plaintiffs,

v.

**SIGMA CORPORATION, MCWANE, INC.,
and STAR PIPE PRODUCTS, LTD.,**

Defendants.

Civil No. 12-788 (AET) (LHG)

**HI LINE SUPPLY CO., LTD., On Behalf of
Itself and All Others Similarly Situated,**

Plaintiffs,

v.

**SIGMA CORPORATION, MCWANE, INC.,
and STAR PIPE PRODUCTS, LTD.,**

Defendants.

Civil No. 12-859 (AET) (LHG)

WATERLINE INDUSTRIES
CORPORATION & WATERLINE
SERVICES, LLC., On Behalf of All Others
Similarly Situated,

Plaintiffs,

v.

SIGMA CORPORATION, MCWANE, INC.,
and STAR PIPE PRODUCTS, LTD.,

Defendants.

Civil No. 12-1022 (AET) (LHG)

CITY OF DESOTO, On Behalf of All Others
Similarly Situated,

Plaintiffs,

v.

SIGMA CORPORATION, MCWANE, INC.,
and STAR PIPE PRODUCTS, LTD.,

Defendants.

Civil No. 12-1182 (AET) (LHG)

SUMMIT PIPE & SUPPLY CO., INC. and
SUMMIT PIPE AND SUPPLY COMPANY
OF MISSISSIPPI, INC., Individually and On
Behalf of All Others Similarly Situated,

Plaintiffs,

v.

SIGMA CORPORATION, MCWANE, INC.,
and STAR PIPE PRODUCTS, LTD.,

Defendants.

Civil No. 12-1331 (AET) (LHG)

VILLAGE OF WOODRIDGE, On Behalf of
All Others Similarly Situated,

Plaintiffs,

v.

SIGMA CORPORATION, MCWANE, INC.,
and STAR PIPE PRODUCTS, LTD.,

Defendants.

Civil No. 12-1733 (AET) (LHG)

COASTAL PLUMBING SUPPLY
COMPANY INC., On Behalf of All Others
Similarly Situated,

Plaintiffs,

v.

SIGMA CORPORATION, MCWANE, INC.,
and STAR PIPE PRODUCTS, LTD.,

Defendants.

Civil No. 12-1819 (AET) (LHG)

CITY AND COUNTY OF DENVER, acting
by and through its BOARD OF WATER
COMMISSIONERS, On Behalf of Itself and
On Behalf of All Others Similarly Situated,

Plaintiffs,

v.

SIGMA CORPORATION, MCWANE, INC.,
and STAR PIPE PRODUCTS, LTD.,

Defendants.

Civil No. 12-1994 (AET) (LHG)

Joanne B. FRIEDMEYER, as trustee of the
bankruptcy estate of DISTRIBUTION ONE,
LLC, Individually and On Behalf of All Others
Similarly Situated,

Plaintiffs,

v.

SIGMA CORPORATION, MCWANE, INC.,
and STAR PIPE PRODUCTS, LTD.,

Defendants.

Civil No. 12-2018 (AET) (LHG)

CITY OF LEXINGTON, On Behalf of Itself
and All Others Similarly Situated,

Plaintiffs,

v.

SIGMA CORPORATION, MCWANE, INC.,
and STAR PIPE PRODUCTS, LTD.,

Defendants.

Civil No. 12-2172 (AET) (LHG)

CITY OF HALLANDALE BEACH, On
Behalf of Itself and All Others Similarly
Situated,

Plaintiffs,

v.

SIGMA CORPORATION, MCWANE, INC.,
and STAR PIPE PRODUCTS, LTD.,

Defendants.

Civil No. 12-2259 (AET) (LHG)

GROENIGER & COMPANY, On Behalf of
Itself and All Others Similarly Situated,

Plaintiffs,

v.

SIGMA CORPORATION, MCWANE, INC.,
and STAR PIPE PRODUCTS, LTD.,

Defendants.

Civil No. 12-2260 (AET) (LHG)

CITY OF FARGO, On Behalf of Itself and All
Others Similarly Situated,

Plaintiffs,

v.

SIGMA CORPORATION, MCWANE, INC.,
and STAR PIPE PRODUCTS, LTD.,

Defendants.

Civil No. 12-2563 (AET) (LHG)

SUPERLON PLASTICS CO., INC., On Behalf
of Itself and All Others Similarly Situated,

Plaintiffs,

v.

SIGMA CORPORATION, MCWANE, INC.,
and STAR PIPE PRODUCTS, LTD.,

Defendants.

Civil No. 12-2678 (AET) (LHG)

WAYNE COUNTY, On Behalf of Itself and
All Others Similarly Situated

Plaintiffs,

v.

SIGMA CORPORATION, MCWANE, INC.,
and STAR PIPE PRODUCTS, LTD.,

Defendants.

Civil No. 12-2682 (AET) (DEA)

ORDER

Plaintiffs in the above captioned cases having filed motions for consolidation of these cases pursuant to Federal Rule of Civil Procedure 42(a), and this Court having considered the parties' submissions and the positions set forth therein, and having determined that consolidation of the related cases is warranted, and for good cause shown;

IT IS THIS 14th day of May, 2012 **ORDERED** as follows:

A. DIRECT PURCHASER CASES

1. The cases filed by direct purchasers of ductile iron pipe fittings (DIPF) under Civil Action Nos. 12cv711; 12cv717; 12cv788; 12cv859; 12cv1331; 12cv1819; 12cv1994; 12cv2018; 12cv2260; and 12cv2678 be and hereby are consolidated for all purposes, including trial (collectively the "Direct Purchaser Consolidated Action"), under Civil Action No. 12cv711 (AET)(LHG), and shall bear the following caption:

_____	:	
IN RE DUCTILE IRON PIPE FITTINGS	:	
("DIPF") DIRECT PURCHASER	:	Civ. No. 12-711 (AET)(LHG)
ANTITRUST LITIGATION	:	
_____	:	

2. All papers filed in connection with the Direct Purchaser Consolidated Action need only be filed in Civil Action No. 12cv711 (AET)(LHG).

2. Each Subsequent Action shall be consolidated with the Direct Purchaser Consolidated Action or the Indirect Purchaser Consolidated Action, and this Order shall apply to the Subsequent Action, unless a party objects to consolidation. Any such objection shall be made within ten (10) days after the date upon which a copy of this Order is served on counsel for any party by filing an application for relief with the Court.

3. This Court requests the assistance of counsel in calling to the attention of the Clerk of this Court the filing of any Subsequent Action that might properly be consolidated the Direct Purchaser Consolidated Action or the Indirect Purchaser Consolidated Action.

D. RESPONSIVE PLEADINGS

1. Defendants are not required to answer or otherwise respond to any Complaint in any of the above actions except the consolidated complaint that is to be filed within 30 days of May 11, 2012, as the Court directed in its May 10, 2012 Order.


ANNE E. THOMPSON, U.S.D.J.

EXHIBIT “C”

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

STATE OF INDIANA,
by Attorney General Greg Zoeller,

Plaintiff,

v.

MCWANE INC., SIGMA CORPORATION,
and STAR PIPE PRODUCTS, LTD.,

Defendants.

Civ. No. 12-6667

ORDER

THOMPSON, U.S.D.J.

IT APPEARING to the Court that the State of Indiana has filed the instant action against Defendants McWane Inc., Sigma Corporation, and Star Pipe Products, Ltd., (Docket Entry No. 1), and it further,

APPEARING that the case arises out of the same subject matter as *In re Ductile Iron Pipe Fittings Indirect Purchaser Antitrust Litigation* (“Indirect Purchaser Litigation”), Civ. No. 12-169, and it further,

APPEARING that “case[s] that arise[] out of the same subject matter as the [Indirect Purchaser Litigation] shall be consolidated with the [Indirect Purchaser Litigation] unless a party objects to consolidation.” (Docket Entry No. 4 at ¶¶ 1-2), and it further,

APPEARING that the State of Indiana filed such an objection, (Docket Entry No. 6), and it further

APPEARING that the State of Indiana objects on grounds that unlike the Indirect Purchaser Litigation, this case “is not a class action and the Attorney General . . . is the only party statutorily authorized to bring this action on behalf of its political subdivisions,” but concedes that “these actions are all related and that coordination of pre-trial matters . . . is appropriate and will greatly promote efficiency and judicial economy,” (*id.* at 2-3), and it further

APPEARING that consolidation is “permitted as a matter of convenience and economy in administration, but does not merge the suits into a single cause, or change the rights of the parties, or make those who are parties to one suit parties in another,” *In re Community Bank of N. Va.*, 418 F.3d 277, 298 n.12 (3d Cir. 2005), and it further

APPEARING that “[c]lass actions may be consolidated with cases brought by . . . other individual plaintiffs,” MANUAL FOR COMPLEX LITIGATION (FOURTH) § 11.631 (2012),

IT IS on this 26th day of June, 2013,

ORDERED that the matter *State of Indiana v. McWane, et al.*, Civ. No. 12-6667, is hereby consolidated with the Indirect Purchaser Litigation, Civ. No. 12-169, for pretrial purposes.

/s/ Anne E. Thompson
ANNE E. THOMPSON, U.S.D.J.