

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

In re PVC Pipe Antitrust Litigation

THIS DOCUMENT RELATES TO:

All Actions

Case No. 24 C 7639

Hon. LaShonda A. Hunt

**STIPULATION AND ORDER REGARDING PROVISION OF CUSTOMER
INFORMATION BY NON-SETTLING DEFENDANTS TO EFFECTUATE NOTICE OF
PLAINTIFFS' PROPOSED SETTLEMENTS WITH DEFENDANT OPIS**

The Direct Purchaser Plaintiffs, Non-Converter Seller Purchaser Plaintiffs, and End-User Plaintiffs (collectively, "Plaintiffs") and Defendants Atkore Inc., Cantex Inc., Diamond Plastics Corporation, IPEX USA LLC, J-M Manufacturing Company, Inc. d/b/a JM Eagle, National Pipe & Plastics, Inc., Otter Tail Corporation, Prime Conduit, Inc., Southern Pipe, Inc., Westlake Corporation, Sanderson Pipe Corporation, and Jet Stream, Inc. (collectively, "Non-Settling Defendants") hereby stipulate to the following matters described in further detail below.

1. On June 6, 2025, Direct Purchaser Plaintiffs and Non-Converter Seller Purchaser Plaintiffs moved for preliminary approval of proposed class settlements with Defendant Oil Price Information Service, LLC ("OPIS") ("Plaintiffs' Motions"). (ECF No. 293, 301).

2. On July 14, 2025, the Non-Converter Seller Purchaser Plaintiffs and End-User Class Plaintiffs filed a joint supplemental memorandum in further support of the Non-Converter Seller Purchaser Plaintiffs' motion for preliminary approval, which included an Addendum to the proposed settlement agreement with Defendant OPIS to reflect that the End-User Class Plaintiffs have affirmed the proposed settlement agreement with Defendant OPIS and seek preliminary approval of the settlement with Defendant OPIS on behalf of the End-User Class Plaintiffs. (ECF Nos. 354, 354-1).

3. The Court held a preliminary approval hearing on July 15, 2025, and took the motions under advisement. Accordingly, the Court has yet to determine whether the class settlements with OPIS should be preliminarily approved, nor has the Court approved the notice plans set forth in Plaintiffs' Motions.

4. Among other relief, Plaintiffs' Motions seek an order requiring Non-Settling Defendants to provide certain customer contact information for direct purchasers of PVC pipe during the proposed settlement class period (January 1, 2021, through May 16, 2025) to facilitate direct notice of the proposed settlements to putative class members.

5. Plaintiffs and Non-Settling Defendants have met and conferred regarding this aspect of Plaintiffs' Motions and have reached an agreement regarding Non-Settling Defendants' provision of customer list information under the following conditions, subject to the Court's approval and entry of this stipulation and order:

- a. Within thirty (30) days of the later of (1) an order entered by the Court granting preliminary approval of the Parties' Settlement Agreements with OPIS or (2) the Court's granting approval of the notice plans proposed by each of the Direct Purchaser Class Plaintiffs, Non Converter Seller Purchaser Class Plaintiffs and End-User Class Plaintiffs, each Non-Settling Defendant will prepare and provide to the entities designated in (c) below a list of customers who directly purchased PVC pipe in the United States during the period January 1, 2021, through May 16, 2025, to the extent that such a list can be generated from systems maintained and used in the ordinary course of business ("Customer List"). Customer Lists will include the following information, if reasonably available from the system used by

the Non-Settling Defendant to generate the list: customer name, street address, city, state, country, postal code, email, and, to the extent available, such lists will be broken out by ship to and bill to contact information.

- b. For the avoidance of doubt, Non-Settling Defendants will have no obligation to create Customer Lists unless the Court grants both preliminary approval of the Parties' proposed settlements with OPIS and approves the Direct Purchaser Plaintiffs, Non-Converter Seller Purchaser Plaintiffs, and End-User Plaintiffs' proposed notice plans without material changes thereto.
- c. Each Non-Settling Defendant shall provide a copy of its Customer List to a representative of JND Legal Administration LLC, in its capacity as settlement administrator for the proposed Direct Purchaser Plaintiff class, to a representative of Kroll Settlement Administration, in its capacity as settlement administrator for the proposed Non-Converter Seller Purchaser Plaintiff class, and to a representative of the to-be-identified settlement administrator for the proposed End-User Class, in its capacity as settlement administrator for the proposed End-User Class Plaintiffs ("Settlement Administrators").
- d. The terms of this stipulation and order permit the Settlement Administrators to use Customer Lists solely for the limited purposes of effectuating notice of the proposed class settlements in accordance with their Court-approved notice plans. The Settlement Administrators are prohibited from disclosing the Non-Settling Defendants' Customer Lists to any other person or entity,

including any attorney who represents a Plaintiff or putative class member in this action or OPIS.

- e. Within 30 days of completing notice of the proposed class settlements, the Settlement Administrators shall permanently destroy all copies of the Non-Settling Defendants' Customer Lists in their possession, custody, or control and provide notice to the Non-Settling Defendants of their compliance with this provision except that the Settlement Administrators may keep a composite customer list to be used for future class notices without any indication of the identity of which Non-Settling Defendant provided the name of the customers.

6. By entering into this stipulation, the Parties do not intend to waive any rights, objections, or arguments concerning other aspects of Plaintiffs' Motions, whether any proposed class meets the requirements of Federal Rule of Civil Procedure 23, or any other matter not expressly addressed by the terms of their stipulation.

DATE: July 16, 2025

ENTERED:

A handwritten signature in black ink, reading "Lashonda A. Hunt". The signature is written in a cursive, flowing style. The first name "Lashonda" is written in a larger, more prominent script, followed by "A." and "Hunt". The signature is positioned above a horizontal line.

LASHONDA A. HUNT

United States District Judge