

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

In re: PVC Pipe Antitrust Litigation

Case No. 1:24-cv-07639

Hon. LaShonda A. Hunt

This Document Relates To:

All Direct Purchaser Plaintiff Actions

DIRECT PURCHASER PLAINTIFFS BILL WAGNER & SON, INC.’S, VITOLITE ELECTRIC SALES CO.’S, AND HODGES SUPPLY COMPANY’S MOTION - UNOPPOSED¹ BY SETTling DEFENDANTS (1) PRELIMINARILY APPROVING PROPOSED SETTLEMENT BETWEEN THE DIRECT PURCHASER PLAINTIFF CLASS AND DEFENDANTS OTTER TAIL CORPORATION, NORTHERN PIPE PRODUCTS, INC., AND VINYLTECH CORPORATION; (2) CERTIFYING FOR SETTLEMENT PURPOSES ONLY THE PROPOSED DPP SETTLEMENT CLASS; (3) APPOINTING KAPLAN FOX & KILSHEIMER LLP AS DPP SETTLEMENT CLASS COUNSEL AND BILL WAGNER & SON, INC., VITOLITE ELECTRIC SALES CO. AND HODGES SUPPLY COMPANY AS REPRESENTATIVES FOR THE DPP SETTLEMENT CLASS; (4) APPOINTING JND LEGAL ADMINISTRATION LLC AS DPP SETTLEMENT ADMINISTRATOR AND THE HUNTINGTON NATIONAL BANK AS ESCROW AGENT, (5) APPROVING THE FORM AND CONTENT OF CLASS NOTICE AND THE NOTICE PLAN; AND (6) SETTING SCHEDULE FOR THE DISSEMINATION OF CLASS NOTICE AND FAIRNESS HEARING

Direct Purchaser Plaintiffs Bill Wagner & Son, Inc., Vitolite Electric Sales Co. and Hodges Supply Company (“DPPs”), by and through Court-appointed Lead and Liaison Counsel, respectfully move this Court for an Order: (1) Preliminarily Approving the Proposed Settlement Between the Direct Purchaser Plaintiff Settlement Class and Defendants Otter Tail Corporation,

¹ The Settling Defendants do not oppose Direct Purchaser Plaintiffs’ motion. Because the Settlement Agreement required the terms of Direct Purchaser Plaintiffs’ settlement with Otter Tail, Northern Pipe Products, Inc. and Vinyltech Corporation to remain confidential until this motion was filed, it was not possible to conduct a pre-filing meet-and-confer with other parties.

Northern Pipe Products, Inc., and Vinyltech Corporation, (2) Certifying, for Settlement Purposes Only, the Proposed DPP Settlement Class, (3) Appointing Kaplan Fox & Kilsheimer LLP as DPP Settlement Class Counsel and Bill Wagner & Son, Inc., Vitolite Electric Sales Co. and Hodges Supply Company as Representatives of the DPP Settlement Class, (4) Appointing JND Legal Administration LLC as Settlement Administrator and The Huntington National Bank as Escrow Agent, (5) Approving the Form and Content of Class Notice and the Notice Plan, and (6) Setting the Schedule for the Dissemination of Class Notice and Fairness Hearing.

Dated: May 29, 2026

Respectfully submitted,

/s/ Robert N. Kaplan

Robert N. Kaplan
Elana Katcher
Matthew P. McCahill
Carihanna Morrison
KAPLAN FOX & KILSHEIMER LLP
800 Third Avenue, 38th Floor
New York, New York 10022
Tel: (212) 687-1980
rkaplan@kaplanfox.com
ekatcher@kaplanfox.com
mmccahill@kaplanfox.com
cmorrison@kaplanfox.com

Gary L. Specks
KAPLAN FOX & KILSHEIMER LLP
681 Prestwick Lane
Wheeling, Illinois 60090
Tel: (847) 831-1585
gspecks@kaplanfox.com

*Lead Counsel for the Direct Purchaser Plaintiff
Class*

Joseph M. Vanek
David Germaine
John P. Bjork
Allison G. Margolies
SPERLING KENNY NACHWALTER, LLC
321 N. Clark Street, Suite 2500

Chicago, Illinois 60654
Tel: (312) 641-3200
jvanek@sperlingkenny.com
dgermaine@sperlingkenny.com
jbjork@sperlingkenny.com
amargolies@sperlingkenny.com

Phillip F. Cramer
SPERLING KENNY NACHWALTER, LLC
1221 Broadway, Suite 2140
Nashville, Tenn. 37212
Tel: (312) 641-3200
pcramer@sperlingkenny.com

James Almon
SPERLING KENNY NACHWALTER, LLC
1616-D Metropolitan Cir.
Tallahassee, Florida 32308
Tel: (850) 942-4334
jalmon@sperlingkenny.com

*Liaison Counsel for the Direct Purchaser Plaintiff
Class*

Dianne M. Nast
Joseph Roda
Michael Ford
Michele Burkholder
Michael Tarringer
NASTLAW LLC
1101 Market Street, Suite 2801
Philadelphia, Penn. 19107
Tel: (215) 923-9300
dnast@nastlaw.com
jnroda@nastlaw.com
mford@nastlaw.com
mburkholder@nastlaw.com
mtarringer@nastlaw.com

Joshua H. Grabar
Julia Varano
GRABAR LAW OFFICE
One Liberty Place
1650 Market Street, Suite 3600
Philadelphia, Penn. 19103
Tel: (267) 507-6085

jgrabar@grabarlaw.com
jvarano@grabarlaw.com

Linda P. Nussbaum
Meghan J. Talbot
NUSSBAUM LAW GROUP, P.C.
1133 Avenue of the Americas, 31st Floor
New York, NY 10036
Telephone: (917) 438-9189
lnussbaum@nussbaumpc.com
mtalbot@nussbaumpc.com

Roberta D. Liebenberg
Jeffrey B. Gittleman
FINE, KAPLAN AND BLACK, R.P.C.
One South Broad Street, 23rd Floor
Philadelphia, PA 19107
Telephone: (215) 567-6565
rliebenberg@finekaplan.com
jgittleman@finekaplan.com

Eric R. Lifvendahl
LIFVENDAHL LAW, LLC
265 Latrobe Avenue
Northfield, IL 60093
Tel: (847) 830-7002
eric@liflaw.com

Richard L. Coffman
THE COFFMAN LAW FIRM
3355 W. Alabama Street, Suite 240
Houston, Texas 77098
Tel: (713) 528-6700
rcoffman@coffmanlawfirm.com

Mitchell A. Toups
Weller, Green, Toups & Terrell, LLP
P.O. Box 350 (490 Park St., Suite 111 - 77701)
Beaumont, TX 77704
(409) 832-1800
Fax: (409) 832-8577
Email: matoups@wgttlaw.com

Counsel for the Direct Purchaser Plaintiff Class

CERTIFICATE OF SERVICE

I certify that on May 29, 2026, I caused true and correct copies of this Motion and its accompanying brief and supporting documents to be served on all counsel of record via the Court's CM/ECF system.

/s/ Robert N. Kaplan
Robert N. Kaplan