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*Privileged & Confidential
Attorney-Client Communication*

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Via Email

Hans Ottinot, Esq.
5944 Coral Ridge Drive, PM #201
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Re: *In re PVC Pipe Antitrust Litigation*, 24-cv-07639 (N.D. Ill.)

Dear Mr. Ottinot:

We represent the direct purchaser plaintiffs (“DPPs”) in the above referenced case. As counsel for the City of Lauderhill, we would like to bring to your attention a potential opportunity with respect to this important federal antitrust litigation.

Executive Summary

The facts of the case are straight-forward. Plaintiffs allege a nationwide conspiracy among the largest PVC Pipe (“PVCP”) manufacturers reaching back to at least 2020 to fix, raise, maintain, and stabilize the price of PVC Pipes, including: (1) **municipal PVCPs & Fittings** used in municipal water and sewer systems; (2) **plumbing PVCPs & Fittings** used in plumbing and drainage in residential and commercial settings; and (3) **conduit PVCPs & Fittings** used in electrical conduit and ductwork for heating and cooling systems.

One defendant, the publisher of a weekly PVCP industry newsletter that was a knowing facilitator of the conspiracy, has already settled with DPPs for several million dollars and significant cooperation. As a result of this cooperation, DPPs recently amended their Complaint to incorporate materials provided by the settling defendant to a San Francisco grand jury convened by the **Antitrust Division of the U.S. Department of Justice** (“DOJ”) investigating criminal antitrust violations related to the conspiracy.

The North American PVCP market has been valued at over \$14 billion and the Defendants control more than 95% of that Market. Moreover, preliminary expert analysis indicates that the conspiracy led to substantial overcharges in the affected markets and that purchasers of municipal PVCPs and PVCP fittings paid the lion’s share of those overcharges and,

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therefore, account for a large share of the damages. Damages that will be trebled, pursuant to federal antitrust laws.

Class Definition

As currently pleaded, the Complaint alleges a class comprised of:

All persons and entities who purchased PVCPs or Fittings in the United States and its territories directly from one or more of the Converter Defendants (or from any of the Converter Defendants' parents, predecessors, subsidiaries or affiliates) at any time from at least as early as **January 1, 2020 until the effects of Defendants' anticompetitive conduct cease**. Excluded from the Class are Converter Defendants, and their parents, predecessors, subsidiaries, and affiliates, any co-conspirators, and all federal government entities and instrumentalities of the federal government.

“Converter Defendants” Defined

The Converter Defendants are:

1. **Atkore Inc.** and its subsidiaries and/or divisions **Heritage Plastics, Inc.**, **Allied Tube & Conduit Corp.**, **Queen City Plastics, Inc.**, and **Rocky Mountain Colby Plastics** (“RMCP”) n/k/a **Cor-Tek**.
2. The Cantex Defendant Family, comprised of five Converter Defendants: **Cantex Inc.**, **Diamond Plastics Corporation**, **Prime Conduit, Inc.**, **Sanderson Pipe Corporation**, and **Southern Pipe, Inc.**
3. **Charlotte Pipe & Foundry Co.**
4. **Cresline Plastic Pipe Co.**
5. **IPEX USA LLC**
6. **J-M Manufacturing Company, Inc. d/b/a JM Eagle.**
7. **National Pipe & Plastics, Inc.**
8. **PipeLife Jet Stream, Inc.**
9. The Ottertail Defendant Family comprised of defendants **Otter Tail Corporation** and its wholly owned subsidiaries **Northern Pipe Products, Inc.** and **Vinyltech Corporation**.
10. The Westlake Defendant Family comprised of defendants **Westlake Corporation** and its wholly owned subsidiary **Westlake Pipe & Fittings Corporation d/b/a North America PVC Pipe Corporation** (“NAPCO”).



Eligibility Criteria

To qualify as a “direct purchaser,” a potential plaintiff must have purchased any of the PVCP products directly from one or more of the defendants identified above during the relevant class period (January 1, 2020 through the present). There are several ways in which a municipality such as yours can satisfy the requirements of direct purchaser standing and, thus, serve as a class representative:

First, any entity that purchased any of the PVCP products directly from at least one of the defendants during the relevant period would qualify as direct purchaser.

Second, to the extent that PVCP purchases were made by a contractor engaged by the municipality, it is common for municipal contracts to include an assignment clause, whereby the municipality is entitled to an assignment of the contractor’s claims arising out of its direct purchases of PVCP during the relevant period.

Third, to the extent that PVCP purchases were made by a contractor and there is no assignment clause, a municipality can still request an assignment from the contractor for the claims arising out of the contractor’s direct purchases.

Fourth, to the extent that either the municipality or a contractor engaged by the municipality purchased PVCP from a distributor, the municipality could request an assignment from the distributor for the claims arising out of the distributor’s direct purchases.

Who We Are

Nussbaum Law Group, PC (“NLG”) is a litigation firm specializing in the prosecution of precedent-setting class litigation with the singular focus of providing the highest level of service and best results. Linda Nussbaum, the firm’s founder, has been at the forefront of landmark fair competition and other complex class cases for over 40 years. Ms. Nussbaum has been nationally recognized for her representation of class and individual plaintiffs in antitrust, RICO, CEA, and pharmaceutical antitrust litigation. For more information about Ms. Nussbaum and NLG, visit the firm’s website at www.nussbaumlawgroup.com.

Greenwich Legal Associates, LLC is a boutique law firm specializing in sophisticated antitrust, securities, consumer, and data privacy class action litigation. Working with our premier plaintiff law firm partners, Greenwich Legal has recovered billions on behalf of shareholders, consumers, businesses, and government entities harmed by corporate misrepresentations, market manipulation, and other wrongdoing. Recent representative actions and settlements include:

- *In re Packaged Seafood Products Antitrust Litigation*: \$152.2 million recovery on behalf of consumers harmed by unlawful conspiracy to fix the price of packaged tuna products in violation of antitrust and unfair competition laws.



- *In re Foreign Exchange Benchmark Rates Antitrust Litigation*: Creation of a \$2.3 billion settlement fund arising from a conspiracy to fix and manipulate prices in the foreign exchange market in violation of antitrust and securities laws.
- *In re Cornerstone Building Brands, Inc. Stockholder Litigation*: \$45 million recovery in connection with a take-private transaction by a controlling shareholder, which deprived minority shareholders of value.
- *In re XL Fleet (Pivotal) Stockholder Litigation*: \$19.5 million recovery on behalf of investors harmed by misrepresentations concerning the company's financial success in a merger transaction.

At Greenwich Legal, our clients are our top priority, and the firm prides itself on ensuring that the client understands the litigation process, is apprised of case status and progress, and remains engaged for the duration of the case. Our goal is to provide access to justice and ensure that the client's voice is heard.

Summary

This is an exceptional case in a well-defined market with financially stable defendants and very strong liability evidence—even before formal discovery has begun. As such, we believe that this is an excellent opportunity for the City of Lauderhill to step forward as a municipal class representative. We look forward to discussing this opportunity with you at your earliest convenience.

Very truly yours,

A handwritten signature in blue ink, appearing to read "linda p. nussbaum".

Linda P. Nussbaum

cc: Martin Lacoff
 Michele Carino