

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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Court File No. 08-MDL-1958 (ADM/RLE)

In re Zurn Pex Products Liability Litigation

**PRETRIAL ORDER NO. 1**

This Order Relates to All Actions

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The Judicial Panel on Multidistrict Litigation has transferred certain products liability actions relating to Zurn Pex plumbing systems to this Court for coordinated pretrial proceedings. The Court has received a joint application for the designation of counsel to act on behalf of the Plaintiffs in this litigation.

The Court has carefully reviewed the proposed designations and the information supplied in support thereof and hereby makes the following designations:

**A. Plaintiffs' Lead Counsel**

The Court designates the following Lead Counsel to act on behalf of Plaintiffs:

Shawn M. Raiter  
Larson • King, LLP  
2800 Wells Fargo Place  
30 E 7th Street  
St. Paul, MN 55101  
Phone: (651) 312-6500  
Fax: (651) 789-4818  
Email: [sraiter@larsonking.com](mailto:sraiter@larsonking.com)

Plaintiffs' Lead Counsel will be responsible for coordinating the activities of Plaintiffs during pretrial proceedings and will:

1. Determine and present to the Court and opposing parties the position of the Plaintiffs on all matters arising during pretrial proceedings;
2. Initiate and coordinate discovery on behalf of Plaintiffs consistent with the requirements of the Federal Rules of Civil Procedure relating to discovery or any other subsequent order of this Court;

3. Conduct settlement negotiations on behalf of Plaintiffs, but not enter binding agreements except to the extent expressly authorized;
4. Delegate specific tasks to other counsel in a manner to ensure that pretrial preparation for Plaintiffs is conducted effectively, efficiently, and economically;
5. Stipulate with opposing counsel on issues relating to the litigation;
6. Prepare and distribute periodic status reports to the parties;
7. Maintain adequate time and disbursement records covering services of designated counsel and establish guidelines for approval by the Court as to the keeping of time records and expenses;
8. Monitor the activities of Plaintiffs' designated counsel to ensure that schedules are met and unnecessary expenditures of time and funds are avoided;
9. Perform such other duties as may be incidental to proper coordination of Plaintiffs' pretrial activities or authorized by further Order of the Court; and
10. Submit, if appropriate, additional counsel for designation by the Court.

Counsel for Plaintiffs who disagree with Plaintiffs' Lead Counsel or who have individual or divergent positions may present written and oral arguments, and otherwise act separately on behalf of their client(s) as appropriate, provided that in doing so they do not repeat arguments, questions, or actions of the Plaintiffs' Lead Counsel.

**B. Plaintiffs' Steering Committee**

To act on behalf of Plaintiffs, the Court hereby designates the following attorneys as the Plaintiffs' Steering Committee:

Co-Chair:  
Charles J. LaDuca  
Cuneo Gilbert & LaDuca, LLP  
507 C Street NE  
Washington, DC 20002

Co-Chair:  
Gary E. Mason  
The Mason Law Firm, LLP  
1225 19th Street NW, Suite 500  
Washington, DC 20036

Co-Chair:  
Robert K. Shelquist  
Lockridge Grindal Nauen PLLP  
100 Washington Avenue South #2200  
Minneapolis, MN 55401

Timothy Battin  
Straus & Boies, LLP  
4041 University Avenue  
Fairfax, VA 22030

David L. Black  
Holland & Hart, LLP  
555 17th Street, Suite 3200  
Denver, CO 80201-8749

Daniel K. Bryson  
Lewis & Roberts  
1305 Navaho Drive, Suite 400  
Raleigh, NC 27609

Michael McShane  
Audet & Partners, LLP  
221 Main Street, Suite 1460  
San Francisco, CA 94105-1906

Joel R. Rhine  
Lea, Rhine, Rosbrugh & Chleborowicz, PLLC  
314 Walnut Street  
Wilmington, NC 28401

J. Gordon Rudd, Jr.  
Zimmerman Reed, PLLP  
651 Nicollet Mall, Suite 501  
Minneapolis, MN 55402

Plaintiffs' Steering Committee shall consult with Plaintiffs' Lead Counsel in coordinating the Plaintiffs' pretrial activities and in planning for trial.

**C. Plaintiffs' Liaison Counsel**

The Court designates the following counsel as Plaintiffs' Liaison Counsel:

J. Gordon Rudd, Jr.  
Zimmerman Reed  
651 Nicollet Mall, Suite 501  
Minneapolis, MN 55402-4123  
Phone: (612) 341-0400  
Fax: (612) 341-0844  
Email: [jgr@zimmreed.com](mailto:jgr@zimmreed.com)

Plaintiffs' Liaison Counsel will be responsible for the following activities:

1. Maintain and distribute to Plaintiffs' designated counsel and to Defendants' Lead Counsel an up-to-date service list;
2. Receive and distribute to Plaintiffs' designated counsel Orders from the Court and documents from opposing parties and counsel;
3. Maintain and make available to other Plaintiffs' counsel or Plaintiffs, at reasonable hours, a complete file of all documents served by or upon each party; and
4. Establish and maintain an electronically accessible document depository.

**C. Designation of Defendants' Lead Counsel**

To act on behalf of Defendants, the Court designates the following Lead Counsel:

James A. O'Neal  
Faegre & Benson, LLP  
2200 Wells Fargo Center  
90 South Seventh Street  
Minneapolis, MN 55402-3901  
Phone: (612) 766-7000  
Fax: (612) 766-1600  
Email: [joneal@faegre.com](mailto:joneal@faegre.com)

**IT IS SO ORDERED.**

Dated: November 5, 2008

s/Ann D. Montgomery

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Ann D. Montgomery  
United States District Court Judge