

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

<p>IN RE DUCTILE IRON PIPE FITTINGS (“DIPF”) INDIRECT PURCHASER ANTITRUST LITIGATION</p>	<p>Civ. Action No. 12-00169 (AET) (LHG)</p>
<p>THIS DOCUMENT RELATES TO:</p> <p>STATE OF INDIANA, by Attorney General Greg Zoeller,</p> <p style="text-align: center;"><i>Plaintiff,</i></p> <p style="text-align: center;">v.</p> <p>McWANE INC., SIGMA CORPORATION, and STAR PIPE PRODUCTS, LTD.,</p> <p style="text-align: center;"><i>Defendants.</i></p>	<p>Civ. Action No. 3:12-cv-06667 (AET) (LHG)</p>

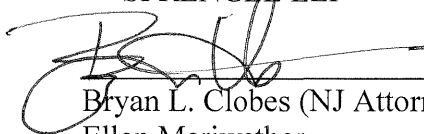
REQUEST OF PLAINTIFF STATE OF INDIANA, BY ATTORNEY GENERAL GREG ZOELLER, FOR ENTRY OF DEFAULT OF DEFENDANTS McWANE, INC. AND SIGMA CORP. PURSUANT TO FED. R. CIV. P. 55(a)

TO THE CLERK OF THE COURT:

Please enter the default of Defendants McWane, Inc. and Sigma Corp., pursuant to Fed. R. Civ. P. 55(a), for failure to plead, answer, or otherwise defend as required by Rule 12 of the Federal Rules of Civil Procedure and as shown by the Declaration of Bryan L. Clobes, attached hereto as Exhibit A and made a part hereof.

Dated: October 31, 2013

CAFFERTY CLOBES MERIWETHER & SPRENGER LLP



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*Attorneys for Plaintiff State of Indiana by Attorney
General Greg Zoeller*

CERTIFICATE OF SERVICE

I, Bryan L. Clobes, hereby certify that on October 31, 2013, I caused a true and correct copy of the Request of Plaintiff State of Indiana, by Attorney General Greg Zoeller, for Entry of Default of Defendants McWane, Inc. and Sigma Corp. Pursuant to Fed. R. Civ. P. 55(a) and Declaration of Bryan L. Clobes to be served on all parties entitled to receive service in this action by ECF.

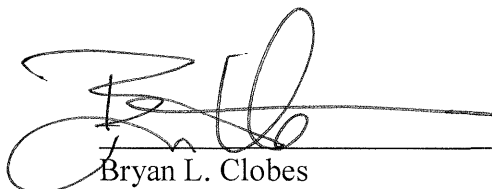

Bryan L. Clobes

EXHIBIT A

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW JERSEY

IN RE DUCTILE IRON PIPE FITTINGS
("DIPF") INDIRECT PURCHASER
ANTITRUST LITIGATION

Civ. Action No. 12-00169
(AET) (LHG)

THIS DOCUMENT RELATES TO:

Civ. Action No. 3:12-cv-06667
(AET) (LHG)

STATE OF INDIANA, by Attorney General
Greg Zoeller,

Plaintiff,

v.

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

Defendants.

DECLARATION OF BRYAN L. CLOBES

I, Bryan L. Clobes, hereby declare as follows:

1. I am an attorney admitted to practice in the State of New Jersey and before the United States District Court for the District of New Jersey.
2. I am a Partner with the law firm of Cafferty Clobes Meriwether & Sprengel LLP, which has been retained by Indiana Attorney General Greg Zoeller to serve as counsel for the State of Indiana in the above-captioned actions.
3. On October 23, 2012, Plaintiff State of Indiana commenced this action by the filing of a Complaint (the "Complaint") against Defendants McWane, Inc. ("McWane"), Sigma Corp. ("Sigma"), and Star Pipe Products, Ltd. ("Star") (collectively, "Defendants"). *State of Indiana v. McWane et al.*, Civ. No. 12-6667 (hereinafter the "Indiana Action") (Dkt. No. 1).

4. Indiana served Defendant McWane with the Complaint on November 16, 2012. (See Indiana Action, Dkt. No. 17).

5. Indiana served Defendant Sigma with the Complaint on November 21, 2012. (See Indiana Action, Dkt. No. 11).

6. On May 9, 2013, Indiana filed its First Amended Complaint (Indiana Action, Dkt. No. 22) (hereinafter the “Indiana Amended Complaint”).

7. On June 17, 2013, McWane and Sigma filed a motion to dismiss the Indiana Amended Complaint. (Indiana Action, Dkt. No. 29).

8. On June 26, 2013, the Court entered an Order consolidating the Indiana Action with a related class action, *In re Ductile Iron Pipe Fittings Indirect Purchaser Antitrust Litigation* (“Indirect Purchaser Litigation”), Civ. No. 12-169, making clear that the consolidation “[did] 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.” (Indiana Action, Dkt. No. 31, at 2 (emphasis added, internal citations omitted)).

9. On October 2, 2013, this Court granted in part and denied in part Defendants’ Motion to Dismiss the Indiana Amended Complaint. (Indiana Action, Opinion, Dkt. No. 34; Order, Dkt. No. 35). The Court dismissed the federal claims, but upheld the three claims brought under Indiana state law. *Id.*

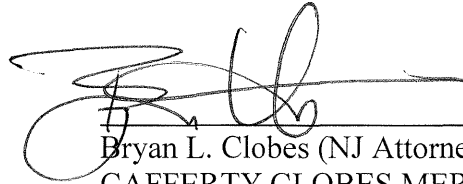
10. Pursuant to Federal Rule of Civil Procedure 12(a)(4)(A), Defendants were required to answer the Indiana Amended Complaint within 14 days of the entry of that Order—i.e. on or before October 16, 2013. Defendants McWane and Sigma neither filed an answer to the Indiana Amended Complaint nor sought an extension of time to do so.¹

¹ Defendant Star has answered the Indiana Amended Complaint.

11. This Court has entered no order relieving McWane and Sigma from their obligation to answer the Indiana Amended Complaint.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed: October 31, 2013



Bryan L. Clobes (NJ Attorney ID: 012321990)

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