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DOJ Asks For Stay In PVC Antitrust Case Amid Criminal Probe

By **Matthew Perlman**

Law360 (October 8, 2025, 2:34 PM EDT) -- The U.S. Department of Justice is asking an Illinois federal court to pause discovery in a case accusing polyvinyl chloride pipe manufacturers of using a commodity pricing service to exchange information and fix prices while a grand jury investigates the alleged activity.

The DOJ filed a motion to intervene and stay discovery on Tuesday in the **consolidated cases** being brought by proposed classes of PVC pipe buyers, requesting an initial six-month partial stay of discovery and an immediate stay while the motion is pending.

"A federal grand jury empaneled in the Northern District of California is currently investigating allegations of price fixing, bid rigging, and market allocation among manufacturers of PVC pipe and others, in violation of the Sherman Act," the motion said. "The same conduct is alleged in these consolidated civil cases."

The DOJ's criminal probe was revealed in November 2024, when manufacturer Otter Tail Corp. said that it had received a federal criminal grand jury inquiry. Atkore Inc. and Westlake Corp. later confirmed that they had received **criminal grand jury** subpoenas as well.

Buyers started lodging their suits in August last year, accusing the manufacturers of colluding, via a subscription reporting service from Oil Price Information Service LLC, to keep the price of PVC pipes high after supply chain issues from the coronavirus pandemic subsided.

In addition to the companies that have received grand jury subpoenas, the private cases also name OPIS, JM Eagle Inc., Diamond Plastics Corp., IPEX USA LLC and National Pipe & Plastics Inc., among others.

OPIS inked a \$6 million "icebreaker" settlement with a pair of classes in June, agreeing to provide "extensive cooperation" to the buyers in their pursuit of the claims against the manufacturers. The reporting service's cooperation includes depositions and trial testimony from current or former OPIS employees and the production of all documents it produced to the grand jury empaneled by the DOJ.

The DOJ said in Tuesday's motion that a partial stay of discovery is needed to protect the "secrecy and confidentiality" of the grand jury proceedings. Allowing discovery to move ahead now, the motion said, could reveal the direction and focus of the criminal probe and impede the government's ability to bring potential charges.

The motion said that while the DOJ has been aware of the litigation since around the time of its filing, it only became clear in a status report last month that the buyers would seek discovery of documents that were produced to government enforcers.

"Previously, it was not clear to the government whether plaintiffs would seek materials overlapping with the grand jury's investigation," the motion said.

Representatives for the classes declined to comment Wednesday. Representatives for the DOJ and the manufacturers did not immediately respond to a request for comment.

The government is represented by Nolan J. Mayther and Andrew Mast of the DOJ Antitrust Division.

The plaintiffs are represented by Scott + Scott Attorneys at Law LLP, Lockridge Grindal Nauen PLLP, Kaplan Fox & Kilsheimer LLP, Sperling Kenny Nachwalter LLC, NastLaw LLC, Grabar Law Office, Nussbaum Law Group PC, Fine Kaplan & Black RPC, Fegan Scott LLC and Pearson Warshaw LLP.

The defendants are represented by Mayer Brown LLP, Axinn Veltrop & Harkrider LLP, White & Case LLP, Kirkland & Ellis LLP, Sheppard Mullin Richter & Hampton LLP, Dentons US LLP, Morrison Foerster LLP, Susman Godfrey LLP, Holland & Knight LLP, Massey & Gail LLP, Bartlit Beck LLP, Hansen Reynolds LLC and McKool Smith

The case is In re: PVC Pipe Antitrust Litigation, case number 1:24-cv-07639, in the U.S. District Court for the Northern District of Illinois.

--Additional reporting by Celeste Bott and Bryan Koenig. Editing by Patrick Reagan.

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