

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

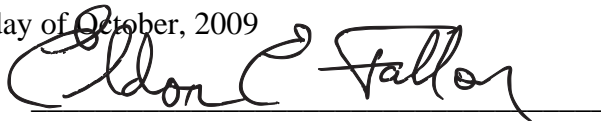
IN RE: CHINESE MANUFACTURED DRYWALL PRODUCTS LIABILITY LITIGATION 	: : : : : : : : :	MDL NO. 2047 SECTION: L JUDGE FALLON MAG. JUDGE WILKINSON
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THIS DOCUMENT RELATES TO ALL CASES

PRE-TRIAL ORDER # 14(A)

It has come to the Court’s attention that the “Exporter, Importer or Broker Defendant Profile Form” attached to Pretrial Order No. 14 does not reflect the agreement entered into by the parties when drafting the Profile Form. The Court directed the parties to meet and confer to develop a revised Profile Form. The parties did so and have submitted to the Court the attached “Revised Exporter, Importer, or Broker Defendant Profile Form” which accurately reflects their original agreement. Accordingly, IT IS ORDERED that the attached “Revised Exporter, Importer, or Broker Defendant Profile Form” and accompanying Exhibit A are substituted for the original Profile Form and Exhibit attached to Pretrial Order No. 14.

New Orleans, Louisiana, this 9th day of October, 2009



ELDON E. FALLON
UNITED STATES DISTRICT JUDGE

Attachments

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA**

IN RE: CHINESE MANUFACTURED DRYWALL PRODUCTS LIABILITY LITIGATION : MDL No. 2047
: Section L

This Document Relates to ALL CASES : JUDGE FALLON
: MAG. JUDGE WILKINSON

REVISED EXPORTER, IMPORTER, OR BROKER DEFENDANT PROFILE FORM

All Defendant Drywall Exporters, Importers, or Brokers (hereinafter, "Responding Party") must complete and submit this Revised Defendant Exporter, Importer, or Broker Profile Form. Additionally, each Responding Party must sign and date Exhibit A to the Profile Form for each property owned, rented or occupied by persons who are named Plaintiffs in suits pending in the MDL. If additional knowledge becomes known after completion, this Defendant Exporter, Importer, or Broker Profile Form must be supplemented. If additional space is needed to answer any questions or complete your responses, additional pages may be attached. In addition, if any attachments or documents are provided in response to any question, please identify the specific question within this Defendant Distributors' Profile Form that relates to the specific attachment or document. Please print legibly or type your responses in English.

I. IDENTIFICATION AND CONTACT INFORMATION

A. Defendant's Name: _____
B. Defendant's U.S. Address: _____

C. Phone number: _____

D. Email address: _____

E. Web site: _____

F. Name of supervisor at U.S. Address: _____

G. Principal Place of Business in the U.S.: _____

H. Address of Headquarters if Foreign: _____

I. Has Defendant operated under any other names from 2001 to 2009? If so, please list and explain for each different locale.

J. Describe your involvement in the exportation/importation of Chinese drywall into the United States:

Exporter _____ Importer _____ Broker _____ Other _____

If other, please describe:

II. COUNSEL INFORMATION OF DEFENDANT EXPORTER, IMPORTER, OR BROKER

- A. Name: _____
- B. Address: _____
- C. Phone Number: _____
- D. Fax Number: _____
- E. E-Mail: _____

III. EXPORTER/IMPORTER/BROKER'S TRANSACTIONS INVOLVING CHINESE DRYWALL

As to an exemplar transaction in which you were involved concerning the exportation/importation/brokering of Chinese Drywall for import/export to the United States between 2001 and 2009 (including but not limited to purchases, sales, consignments, shipments, transfers, deliveries, receipts, or distributions), which exemplar transaction is representative of each transaction with which you were involved throughout the relevant time period, please provide the following information. Attach additional sheets as necessary. Responding Party understands that providing information with respect to an exemplar transaction shall not relieve Responding Party from providing documentation as to all relevant transactions in response to discovery requests which have been or will be propounded upon Responding Party. Furthermore, Responding Party may provide relevant documentation responsive to the following inquiries in lieu of written responses thereto, so long as such documentation contains sufficient information to adequately address each inquiry.

- 1. Type of transaction (e.g., purchase, sale, delivery) _____
- 2. Dates of Relevant Transaction(s) _____
- 3. Volume of Chinese Drywall involved in the transaction _____
- 4. Name of Drywall Product _____
- 5. During the course of this transaction, did you receive, store, or handle the Chinese Drywall?
Yes _____ No _____

Explain your role in the transaction _____

6. Identify any markings on the Chinese Drywall product (e.g., lot number, batch number, serial number, color markings, UPC codes, etc.) involved in this transaction:

7. List all trademarks of the product: _____

8. Identify any markings or means of identification employed by you to track or identify the Chinese Drywall

9. Name and Address of Entity that supplied you with Chinese Drywall

a. Type of Entity (e.g., manufacturer, exporter, broker) _____

b. Did the supplier provide you with any warranties, product specifications, or instructions for use or storage of the Chinese Drywall?

Yes _____ No _____

If so, please describe _____

10. The name and address of any other entity, including manufacturers, importers, exporters, purchasing agents, distributors, or sales brokers involved in any way with supplying you the Chinese Drywall involved in this transaction:

11. Upon your receipt of, acceptance, or taking possession of or title to the Chinese Drywall, did you ever store the product:

Yes _____ No _____

If Yes, please provide the following:

a. Name of entity providing storage: _____

b. Address of entity providing storage: _____

c. Dates product was stored:

____/____/____ (Month / Day / Year) to ____/____/____ (Month / Day / Year)

d. Quantity of product stored: _____

e. Price paid for storage: _____

f. Name of contact person at storage facility: _____

g. Phone number: _____

h. Email address: _____

i. List any complaints made or received regarding storage of the product:

j. Name of contact person at storage facility: _____

k. Phone number: _____

l. Email address: _____

12. Name and Address of Entity to which you sold, transferred, shipped, or distributed the Chinese Drywall involved in this transaction:

m. Type of Entity (e.g., importer, distributor, retailer, builder)

n. Did you provide any warranties, product specifications, or instructions for use or storage of the Chinese Drywall to the purchaser, transferee, or recipient?

Yes _____ No _____

If so, please describe _____

13. The name and address of any other entity, including manufacturers, importers, exporters, purchasing agents, distributors, or sales brokers involved in any way with your sale, transfer, shipment, delivery, or distribution of Chinese Drywall:

14. Did you ever receive any complaints or notice of any defect about the Chinese Drywall?

Yes _____ No _____

If yes, please describe _____

Please provide the name and address of any entities or persons from whom you received complaints or notice of defects about the Chinese Drywall:

15. Has any testing, inspection, or analysis been performed by you or on your behalf, at any time, to determine whether the Chinese drywall was within product specifications:

Yes _____ No _____

a. If Yes, please describe the testing, inspection, or analysis performed:

b. Identify what ASTM (or other) standards you used in determining the quality and characteristics of the drywall products you used:

IV. EXPORTER/IMPORTER/BROKER'S ABILITY TO TRACK SHIPMENTS AND/OR RECEIPTS OF CHINESE DRYWALL

Please briefly describe Defendant's ability to track and document shipments and/or receipts into and out of its locations and to/from particular addresses, including a description of database accessibility of this information, if any.

V. INSURANCE

A. Identify all policies of insurance, including all CGL, Product Liability, Builder’s Risk, D&O and Excess insurance policies relating to claims.

1. For each policy, identify the following:

Insurer: _____

Dates policy in effect:

____/____/____ (Month / Day / Year) to ____/____/____ (Month / Day / Year)

Policy Number: _____

Type of Policy: _____

Insurance Agent _____

Policy Coverage Limits _____

Produce a copy of the Declaration page, exclusions and policy of insurance.

B. Identify all claims you have made on any insurance policies relating to your sale, transfer, distribution or shipment of products identified herein.

1. For each claim please provide the following:

Date: ____/____/____ (Month / Day / Year)

Insurer: _____

Description of claim: _____

Insurer’s response to claim: _____

If in litigation:

Caption of Case: _____

Name and address of attorneys involved: _____

Insurance carriers involved: _____

CERTIFICATION

I declare under penalty of perjury under the laws of the United States of America and pursuant to 28 U.S.C. § 1746 that all information provided in this Distributor Profile Form is true and correct to the best of my knowledge, and that I have supplied all of the documents requested in this declaration, to the extent that such documents are in my possession, custody or control.

Signature

Print Name

Date

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA

IN RE: CHINESE MANUFACTURED DRYWALL PRODUCTS LIABILITY LITIGATION	: MDL No. 2047 : Section L :
_____	:
This Document Relates to ALL CASES	: JUDGE FALLON : MAG. JUDGE WILKINSON

EXHIBIT A
DEFENDANT EXPORTER, IMPORTER,
OR BROKER PROPERTY SPECIFIC DISCLOSURE FORM

Each Defendant Drywall Exporter, Importer, or Broker must complete and sign a separate Exhibit A for any individual named Plaintiff with an action pending in Federal Court. If additional knowledge becomes known after completion, this Defendant Exporter, Importer, or Broker Profile Form must be supplemented. If additional space is needed to answer any questions or complete your responses, additional pages may be attached. In addition, if any attachments or documents are provided in response to any question, please identify the specific question within this Defendant Exporter, Importer, or Broker Profile Form that relates to the specific attachment or document. Please print legibly or type your responses in English.

I. **INFORMATION ON PLAINTIFF PROPERTY OWNER, RENTER OR OCCUPANT (to be provided by Plaintiff)**

- A. Name _____
- B. Address of Affected Property: _____
- C. Case Docket No. _____

II. **INFORMATION ON SPECIFIC PROPERTIES**

- A. For each property identified in Section III above, answer the following:
 - 1. Do you have any contracts or agreements concerning Drywall contained in the Property? Yes ____ No ____
 - 2. Did you issue any warranties for the product installed in the property?
Yes ____ No ____ Don't know ____

3. Have you had any correspondence or other communication concerning Drywall or any construction or remediation at the property? Yes _____ No _____

If yes, provide the following information:

Who was the correspondence or communications by, between or among?

4. Have you performed any inspection(s), testing or analysis of the property?

Yes _____ No _____

If yes, provide the following information:

Who performed the inspection, testing or analysis?

When was the inspection, testing or analysis performed?

Did the testing confirm the presence of Chinese Drywall in this property?

Yes _____ No _____

Were you able to determine any of the following information for the subject property:

a. Manufacturer(s) of the Chinese Drywall

b. Importer/Distributor into the US

c. Builder/Developer

d. Installer/Contractor

As a result of the inspection, were you able to make a determination of the amount and/or percentage of Chinese drywall contained in the subject property?

Yes _____ No _____

If yes, what amount or percentage of Chinese Drywall was found?

5. Has any sampling of drywall been performed of the property?

Yes _____ No _____

If yes, provide the following information:

Name and address of entity that performed the sampling:

6. Have any statements been taken in connection with property or claim?

Yes _____ No _____

If yes, provide the following information:

Who provided the statement?

- 7. Have any communications or correspondence regarding the property taken place with any drywall contractor / installer, builder, distributor in the USA, importer to the USA, exporter from China or manufacturers of drywall?

Yes _____ No _____

If yes, provide the following information:

Who was the correspondence or communication by, between or among?

- 8. Have you had any communication concerning the subject property regarding the presence of Chinese Drywall with any foreign or domestic governmental agency or representative? Yes _____ No _____

If yes, provide the following information:

Who was the communication by, between or among?

- 9. Have you received a request from anyone to repair the subject property?

Yes _____ No _____

If so, from whom did you receive the request?

CERTIFICATION

I declare under penalty of perjury under the laws of the United States of America and pursuant to 28 U.S.C. § 1746 that all information provided in this Exhibit A to the Distributor Profile Form is true and correct to the best of my knowledge, and that I have supplied all of the documents requested in this declaration, to the extent that such documents are in my possession, custody or control.

Signature

Print Name

Date