

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  
:

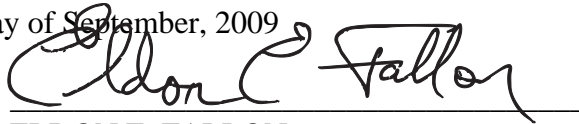
**THIS DOCUMENT RELATES TO ALL CASES**

**PRE-TRIAL ORDER # 14**

Pursuant to the Court’s direction, counsel have met and conferred to develop an “Exporter, Importer or Broker Defendant Profile Form.” The Profile Form has been submitted to the Court. The Court considered the Profile Form and has approved such. The Profile Form is attached along with Exhibit A to this Pretrial Order.

IT IS ORDERED that this Profile Form is to be distributed to the appropriate defendants upon becoming a party to the MDL and returned within 15 days to Defendants’ Liaison Counsel, Kerry Miller, either electronically to [kmiller@frilot.com](mailto:kmiller@frilot.com), or in hard copy to Kerry J. Miller, Defendants’ Liaison Counsel, Frilot L.L.C., 1100 Poydras St., Suite 3700, New Orleans, LA 70163.

New Orleans, Louisiana, this 24<sup>th</sup> day of September, 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

**EXPORTER, IMPORTER, OR BROKER DEFENDANT PROFILE FORM**

All Defendant Drywall Exporters, Importers, or Brokers must complete and submit this Defendant Exporter, Importer, or Broker Profile Form. Additionally, each Defendant Exporter, Importer, or Broker 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**

For each 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), please provide the following information. Attach additional sheets as necessary.

1. Type of transaction (e.g., purchase, sale, delivery)

\_\_\_\_\_

2. Date of transaction \_\_\_\_\_

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 \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

2. 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:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

3. Upon your receipt of, acceptance, or taking title to the Chinese Drywall involved in this transaction, 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: \_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

a. Type of Entity (e.g., importer, distributor, retailer, builder)  
\_\_\_\_\_

b. 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 \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. 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:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. 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:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. 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:

---

---

---

**III. 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.

---

---

---

---

---

---

**IV. 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 : MDL No. 2047  
PRODUCTS LIABILITY LITIGATION : Section L  
\_\_\_\_\_  
This Document Relates to : JUDGE FALLON  
ALL CASES : 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**

- 1. 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

