

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**

**PRETRIAL ORDER NO. 7B**

Considering the foregoing Joint Motion for Appointment of Liaison Counsel and Members to the Homebuilders' Steering Committee, Pretrial Order No. 7 is amended to read as follows:

The following members of the Defendants' Steering Committee (DSC) appointed by the Court are:

Donald J. Hayden  
Baker & McKenzie LLP  
1111 Brickell Avenue, Suite 1700  
Miami, FL 33131  
(305) 789-8966

Douglas B. Sanders  
Baker & McKenzie LLP  
130 E. Randolph Drive  
One Prudential Plaza  
Chicago, IL 60601  
(312) 861-8075

Mark A. Salky  
Greenberg Traurig PA  
1221 Brickell Avenue  
Miami, FL 33131  
(315) 579-0500

Jan Douglas Atlas

Adorno & Yoss LLP  
350 East Las Olas Boulevard, Suite 1700  
Fort Lauderdale, FL 33301  
(954) 763-1200

Jeffrey Backman  
Adorno & Yoss LLP  
350 East Las Olas Boulevard, Suite 1700  
Fort Lauderdale, FL 33301  
(954) 763-1200

Gary F. Baumann  
Fulmer, Leroy, Albee, Baumann & Glass  
2866 East Oakland Park Boulevard  
Ft. Lauderdale, FL 33306

Steve Walker  
Sivyer Barlow & Watson PA  
401 East Jackson Street, Suite 2225  
Tampa, FL 33602  
(813) 221-4242

In this Court's Minute Entry dated August 10, 2009, the Court approved the creation of a Homebuilders' Steering Committee. The Court now appoints the following members to the Homebuilders' Steering Committee (HSC):

Hilarie Bass, Chair  
Greenberg Traurig, PA  
1221 Brickell Avenue  
Miami, FL 33131  
(315) 579-0500

Phillip A. Wittmann, Local Chair  
Stone, Pigman, Walther, Wittmann, LLC  
546 Carondelet St.  
New Orleans, LA 70130  
(504) 593-0804

J. Kevin Buster  
King & Spaulding, LLP  
1180 Peachtree St., NE  
Atlanta, GA 30309  
(404) 572-4804

Elizabeth J. Cabraser  
Leiff, Cabraser, Heimann & Bernstein, LLP  
Embarcadero Center West  
275 Battery St., Suite 3000  
San Francisco, CA 94111  
(415) 956-1000

Steven L. Nicholas  
Cunningham Bounds, LLC  
1601 Dauphin Street  
Mobile, AL 36604  
(251) 471-6191

Neal A. Sivyer  
Sivyer Barlow & Watson, PA  
401 East Jackson Street, Suite 2225  
Tampa, FL 33602  
(813) 221-4242

It shall be the duty of Defendants' Liaison Counsel, Kerry Miller, to coordinate the responsibilities of the Steering Committees and inform them of Court meetings, appear at periodic Court noticed status conferences, perform other necessary administrative or logistic functions of the Steering Committees and carry out any other duty as the Court may order.

The Court declines to appoint a separate Liaison Counsel to represent the Homebuilder Defendants.

The DSC and HSC will have the following responsibilities:

Discovery

- (1) Initiate, coordinate, and conduct all pretrial discovery on behalf of their respective clients in all actions which are consolidated with the instant multi- district litigation.
- (2) Develop and propose to the Court schedules for the commencement, execution, and completion of all discovery on behalf of their clients.
- (3) Cause to be issued in the name of their clients the necessary discovery requests, motions, and subpoenas pertaining to any witnesses and documents needed to properly prepare for the pretrial of relevant issues

found in the pleadings of this litigation.

- (4) Conduct all discovery in a coordinated and consolidated manner on behalf and for the benefit of their clients.

#### Hearings and Meetings

- (1) Call meetings of counsel for any appropriate purpose, including coordinating responses to questions of other parties or of the Court. Initiate proposals, suggestions, schedules, or joint briefs, and any other appropriate matter(s) pertaining to pretrial proceedings.
- (2) Examine witnesses and introduce evidence at hearings on behalf of their clients.
- (3) Act as spokesperson for their respective clients in pretrial proceedings and in response to any inquiries by the Court, subject to the right of any Defendant's counsel to present non-repetitive individual or different positions.

#### Miscellaneous

- (1) Submit and argue any verbal or written motions presented to the Court or Magistrate on behalf of the DSC and HSC as well as oppose when necessary any motions submitted by the Plaintiffs or other parties which involve matters within the sphere of the responsibilities of the DSC and HSC.
- (2) Negotiate and enter into stipulations with Plaintiffs regarding this litigation. All stipulations entered into by the DSC and HSC, except for strictly administrative details such as scheduling, must be submitted for Court approval and will not be binding until the Court has ratified the stipulation.
- (3) Explore, develop, and pursue all settlement options pertaining to any claim or portion thereof of any case filed in this litigation.
- (4) Maintain adequate files of all pretrial matters, including establishing and maintaining a document or exhibit depository, in either real or virtual format, and having those documents available, under reasonable terms and conditions, for examination by all MDL defendants or their attorneys.
- (5) Perform any task necessary and proper for the DSC and HSC to accomplish its responsibilities as defined by the Court's orders.
- (6) Perform such other functions as may be expressly authorized by further orders of this Court.

New Orleans, Louisiana, this 26th day of August, 2009.

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ELDON E. FALLON  
UNITED STATES DISTRICT JUDGE