

**MINUTE ENTRY
FALLON, J.
OCTOBER 16, 2018**

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

In re: CHINESE-MANUFACTURED	*	MDL Docket No. 2047
DRYWALL PRODUCTS	*	
LIABILITY LITIGATION	*	SECTION L
	*	
	*	JUDGE FALLON
This document relates to All Cases	*	
	*	MAG. JUDGE WILKINSON
	*	
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MINUTE ENTRY

The monthly status conference was held on this date in the Courtroom of District Judge Eldon E. Fallon. Prior to the conference, the Court met with liaison counsel and the chairs of the steering committees. Liasion counsel reported to the Court on the topics set out in Joint Report No. 104 (R. Doc. 21836). The conference was transcribed by Ms. Toni Tusa, Official Court Reporter. Counsel may contact Ms. Tusa at (504) 589-7778 to request a copy of the transcript.

I. **PRE-TRIAL ORDERS**

All Pre-Trial Orders are posted on the Court’s website located at www.laed.uscourts.gov, which has a tab that links directly to “Drywall MDL.” The Court’s website also includes other postings relevant to the litigation.

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II. OMNIBUS (“OMNI”) CLASS ACTION COMPLAINTS

All of the filed thirty-four (34) Omni Complaints and Complaints in intervention are listed in prior Joint Status Reports which can be accessed through the Court’s ECF/PACER docket or File & Serve Xpress.

On July 24, 2018, Plaintiffs’ Motion to Intervene was filed with the Court [Rec. Doc. 21599], relating to *Brooke, et al. v. The State-Owned Assets Supervision and Administration Commission of the State Counsel* (2:15-cv-04127); *Brooke, et al. v. The State-Owned Assets Supervision and Administration Commission of the State Counsel* (2:15-cv-06631); and *Brooke, et al. v. The State-Owned Assets Supervision and Administration Commission of the State Counsel* (2:15-cv-06632). On August 16, 2018, the Court issued an Order granting the Motion to Intervene [Rec. Doc. 21682] and entering the intervenor Complaints at Rec. Docs. 21683, 21684 and 21685.

III. INEX, BANNER, KNAUF, L&W and GLOBAL SETTLEMENTS

On February 22, 2018, a Motion to Extinguish the Knauf Defendants’ Settlement Obligations for Certain Remediation Claims was filed with the Court [Rec. Doc. 21190]. Certain Claimants listed in the Motion have filed a response [Rec. Docs. 21230, 21236, 21237, 21529, 21638]. Several other claimants have been in contact with the Knauf Defendants and have completed their Remediation Claims or expect to complete their Remediation Claims soon. The matter was heard on July 18, 2018 and the court issued an Order on July 18, 2018 [Rec. Doc. 21539], granting the motion in part and continuing certain claims. The parties will be prepared to discuss the status of the motion at the October 16, 2018 Status Conference.

At the direction of the Court and pursuant to the Knauf Class Settlement Agreement, sixteen (16) Already Remediated Homes ("ARH") claims submitted to the Court were fully briefed by the Knauf Defendants and Claimants and sent to the Special Master for a Report and Recommendation. On August 10, 2018, the Special Master issued a Report and Recommendation on fifteen of the claims and asked for additional briefing on the sixteenth claim. On August 22, 2018, following additional briefing by the Knauf Defendants and Claimants, the Special Master issued a Report and Recommendation on the sixteenth claim. Pursuant to Section IV of the Already Remediated Properties Protocol [Rec. Doc. 12061-6], the Court may now review the parties' briefings and the Special Master's Reports and Recommendations and make a final, non-appealable determination on the sixteen (16) ARH claims.

On October 1, 2018, Claimants file a Motion to Construe and Define Scope of Review [Rec. Doc. 21805]. On October 8, 2018, the Knauf Defendants filed an Opposition [Rec. Doc. 21827].

IV. TAISHAN, BNBM AND CNBM DEFENDANTS

The Court has issued Orders establishing three (3) tracks in connection with proceedings involving the Taishan, BNBM and CNBM Defendants [*see*, Rec. Docs. 18757 and 18844].

1. **The Court's July 17, 2014 Contempt Court Track:**

On June 20, 2014, the Court ordered Taishan Gypsum Co., Ltd. f/k/a Shandong Taihe Dongxin Co., Ltd. to appear in open court on July 17, 2014 to be examined as a judgment debtor [Rec. Doc. 17774]. Taishan failed to appear for the July 17, 2014

Judgment Debtor Examination and the Court held Taishan in contempt [Rec. Doc. 17869] and Ordered that Taishan pay \$15,000.00 in attorney's fees to Plaintiffs' counsel; that Taishan pay \$40,000.00 as a penalty for contempt; that Taishan, and any of its affiliates or subsidiaries be enjoined from conducting any business in the United States until or unless it participates in this judicial process, and if Taishan violates the injunction, it must pay a further penalty of 25% of the profits earned by the Company or its affiliate who violate the Order for the year of the violation. On July 20, 2018, Taishan filed a Notice of Payment of Discovery Penalty [Rec. Doc. 21561].

2. Class Damages Track:

On July 23, 2014, Omnibus Motion for Class Certification Pursuant to Rules 23(a)(1)-(4) and 23(b)(3) was filed by Plaintiffs [Rec. Doc. 17883] and on September 26, 2014, the Court issued Findings of Fact and Conclusions of Law With Respect to Plaintiffs' Omnibus Motion for Class Certification Pursuant to Rules 23(a)(1)-(4) and 23(b)(3) [Rec. Doc. 18028], which also issued Legal Notice [Rec. Doc. 18028-1].

On October 29, 2014, Plaintiffs filed a Motion for Assessment of Class Damages Pursuant to Rule 55(b)(2)(B) and Request for Approval of Supplemental Notice [Rec. Doc. 18086] ("PSC's Motion for Assessment of Class Damages"). An Evidentiary Hearing, with oral argument, on the PSC's Motion for Assessment of Class Damages occurred on June 9, 2015.

On September 8, 2015 the PSC notified the Court that its proposed class of claimants for remediation decreased from 3,852 claimants to potentially fewer than 1,800 as a result of the Plaintiffs' voluntary dismissals. In response, Taishan submitted a

supplemental class damages opposition to address the Plaintiffs' class damages revisions. [Rec. Doc. 19490.] The number of claimants has been the subject of ongoing meet and confer discussions and on July 25, 2017 the PSC filed its updated Class Plaintiffs' spreadsheet (*see* Rec. Docs. 20824 and 20875).

On May 14, 2018, the Court issued an Order [Rec. Doc. 21329] regarding Motion to Certify Class Builder Plaintiffs' Renewed Motion for Class Certification Against Taishan Gypsum Co., Ltd. [Rec. Doc. 20857] setting a briefing schedule.

On May 31, 2018, CNBM Company, BNBM Group, and BNBM PLC's Motion to Dismiss Certain Plaintiffs Pursuant to Federal Rule of Civil Procedure 37(b) was filed with the Court [Rec. Doc. 21351], with a Request for Oral Argument [Rec. Doc. 21352]. On May 31, 2018, Taishan's Motion to Dismiss Claims for Failure to Complete Supplemental Profile Forms was filed with the Court [Rec. Doc. 21353], with a Request for Oral Argument [Rec. Doc. 21354]. On June 4, 2018, the Court issued an Order [Rec. Doc. 21357] setting briefing schedules and setting the matter for hearing, with oral argument, following the July 18, 2018 status conference. On July 3, 2018, the PSC filed an Omnibus Response to Taishan and CNBM Company, BNBM Group and BNBM PLC's Motions to Dismiss Claims for Failure to Complete Supplemental Profile Forms [Rec. Doc. 21460]. On July 13, 2018, CNBM Company, BNBM Group, and BNBM PLC filed a Reply in Support of Motion to Dismiss Certain Plaintiffs Pursuant to Federal Rule of Civil Procedure 37(b) [Rec. Doc. 21516]. On July 30, 2018, the Court issued an Order [Rec. Doc. 21608] setting the [21351] and [21353] Motions to Dismiss With Prejudice for hearing on August 14, 2018 at 9:45 a.m. On August 2, 2018, the PSC filed a Motion to

Clarify Rule to Show Cause of July 30, 2018 [Rec. Doc. 21636]. On August 8, 2018, CNBM, BNBM Entities and Taishan filed a Response to the PSC's Motion to Clarify Rule to Show Cause of July 30, 2018 [Rec. Doc. 21650] and on August 9, 2018, the PSC filed a Reply [Rec. Doc. 21670].

On May 21, 2018, the Court issued an Order [Rec. Doc. 21339] to proceed to the trial phase of all Louisiana actions within the Court's jurisdiction, and ordered the parties to confer and be prepared to discuss a trial plan for all Louisiana cases with the Court at the June 12, 2018 monthly status conference. On May 25, 2018, the PSC filed a Motion to Substitute Exhibit [Rec. Doc. 21343], providing an updated exhibit to be substituted for the Appendix attached to the Order [Rec. Doc. 21339-1]. On May 29, 2018, the Court issued an Order [Rec. Doc. 21344] substituting the Appendix to the May 21, 2018 Order. On June 11, 2018, the PSC filed a Second Motion to Substitute Exhibit [Rec. Doc. 21399], providing an updated exhibit to be substituted for the Appendix attached to the Order [Rec. Doc. 21339-1]. On June 12, 2018, the Court issued an Order [Rec. Doc. 21404] substituting the Appendix to the May 21, 2018 Order.

On July 11, 2018, the CNBM and BNBM entities filed a Motion to Adopt Louisiana *Amorin* Trial Plan [Rec. Doc. 21501], Taishan filed a Motion for Adoption of Proposed plan for Adjudication and Resolution of Louisiana Claims in *Amorin* and *Brooke* [Rec. Doc. 21503] and the PSC submitted to the Court a Proposed Pretrial Order Setting Deadlines for the Resolution of Louisiana Plaintiffs' Claims for Remediation and Other Damages in *Amorin* and *Brooke*, which it filed with the Court on July 16, 2018 [Rec. Doc. 21527]. On July 16, 2018, the PSC filed a Response to Rec. Docs. 21501 and 21503 [Rec.

Doc. 21525]. On August 7, 2018, Taishan filed a Response to the PSC's proposed Pre-Trial Order [Rec. Doc. 21646] and CNBM/BNBM filed a Response to the PSC's proposed Pre-Trial Order [Rec. Doc. 21647]. This matter was heard on August 15, 2018. On August 22, 2018, Taishan filed a Post-Hearing Brief in Further support of Motion for Adoption of Proposed Plan for Adjudication and Resolution of Louisiana Claims in *Amorin* and *Brooke* [Rec. Doc. 21698] and CNBM and BNB Entities' filed a Post-Hearing Brief [Rec. Doc. 21708], and the PSC filed a Supplemental Post-Argument Brief Regarding a Trial Plan for the Resolution of Louisiana Claims in *Amorin* and *Brooke* [Rec. Doc. 21703].

3. Jurisdiction Track:

On March 9, 2016, the Court granted the Motion to Dismiss by CNBM Group under the FSIA and issued Order & Reasons supporting its Judgment [Rec. Doc. 20150]. On April 21, 2017, the Court issued Order & Reasons on the various Motions to Dismiss [Rec. Doc. 20739]. On July 17, 2018, the PSC filed a Motion to Certify the Court's Order and Reasons of March 10, 2016 Pursuant to 28 U.S.C. § 1292(b) [Rec. Doc. 21533] and on July 18, 2018, the Court issued an Order [Rec. Doc. 21543] providing a briefing schedule and setting the matter for hearing, with oral argument, which is scheduled to take place following the September 27, 2018 monthly status conference. On August 7, 2018, the PSC filed a Supplemental Memorandum in Support of Its Motion to Certify the Court's Order and Reasons of March 10, 2016 Pursuant to 28 U.S.C. § 1292(B) [Rec. Doc. 21662]. On August 8, 2018, CNBM Group filed an Unopposed Motion to Extend Briefing Deadlines [Rec. Doc. 21649]. On August 13, 2018, the Court issued an Order [Rec. Doc. 21665] extending briefing deadlines. On August 27, 2018, CNBM Group filed an

Opposition to the PSC's Motion to Certify an Interlocutory Appeal of the Court's March 10, 2016 Order [Rec. Doc. 21730]. On September 5, 2018, the PSC filed a Reply in Support of Motion to Certify the Court's Order and Reasons of March 10, 2016 Pursuant to 28 U.S.C. § 1292(b) [Rec. Doc. 21757]. On October 4, 2018, the Court issued Order and Reasons [Rec. Doc. 21823] denying the PSC's Motion to Certify the Court's Order and Reasons of March 10, 2016 Pursuant to 28 U.S.C. § 1292(b) [Rec. Doc. 21533] .

Additional Matters

On December 21, 2016, the PSC filed a Motion to Remove Confidentiality Designations With Respect to Documents Produced By and Testimony of the Taishan Defendants and Third Parties [Rec. Doc. 20598]. On February 13, 2017, Taishan filed its Response in Opposition to PSC's Motion to Remove Confidentiality Designations [Rec. Doc. 20654], BNBM filed its Opposition to Plaintiffs' Steering Committee's Motion to Remove Confidentiality Designations With Respect to Documents Produced By and Testimony of the Taishan Defendants [Rec. Doc. 20653], CNBM filed its Response to the Plaintiffs' Steering Committee's Motion to Remove Confidentiality Designations [Rec. Doc. 20658] and Jushi USA Fiberglass Co., Inc. filed its Response to the Plaintiffs' Steering Committee's Motion to Remove Confidentiality Designations [Rec. Doc. 20660]. On February 22, 2017, the PSC filed a Reply to Responses and Oppositions by Taishan, the CNBM Entities, Beijing New Building Materials Public Limited Company, Beijing New Building Materials (Group) Co., Ltd., and Jushi USA Fiberglass Co., Inc. to Motion to Remove Confidentiality Designation With Respect to Documents Produced By and Testimony of the Taishan Defendants and Third Parties [Rec. Doc. 20684], and on April

27, 2017 the PSC filed a Supplemental Memorandum in further support [Rec. Doc. 20751]. The Court entered an Order on June 14, 2017 [Rec. Doc. 20805] continuing the hearing.

On January 26, 2017, Taishan filed a Motion for Plan to Satisfy Translation Order [Rec. Doc. 20643], on February 10, 2017, Plaintiffs' Steering Committee's Alternative Suggestion to Taishan's Plan to Satisfy Translation Order was filed [Rec. Doc. 20651] and on February 17, 2017, Taishan filed a Reply in Further Support of Taishan's Motion for Plan to Satisfy Translation Order [Rec. Doc. 20672]. The Court entered an Order on June 14, 2017 [Rec. Doc. 20805] continuing the hearing.

On March 29, 2018, the Plaintiffs' Steering Committee filed a Motion to Redress Improper Confidentiality Designations and Enforce Order Requiring Manual Translation of Chinese Documents in Recognition of the Suggestion of Remand of the Florida *Amorin* Plaintiffs [Rec. Doc. 21280]. On April 13, 2018, Taishan filed a Response to PSC's "Motion for Redress" Regarding Pending Motions Related to Confidentiality Designations and Taishan's Plan to Satisfy Translation Order [Rec. Doc. 21300] and CNBM Company, BNBM Group, and BNBM PLC filed a Response to the Plaintiffs' Steering Committee's Motion Relating to Confidentiality Designations [Rec. Doc. 21306]. On April 20, 2018, the PSC filed a Reply Memorandum in Support of its Motion to Redress Improper Confidentiality Designations and Enforce Order Requiring Manual Translation of Chinese Documents in Recognition of the Suggestion of Remand of the Florida *Amorin* Plaintiffs [Rec. Doc. 21310]. On May 3, 2018, the Court issued Order and Reasons (Confidentiality) [Rec. Doc. 21317] and Order (Translations) [Rec. Doc. 21318]. On July 19, 2018, the PSC filed a Motion to Substitute Omnibus Response in Opposition to

Defendants' Motions to Dismiss [Rec. Doc. 20036] (Addressing Removal of Confidentiality Designations and Lifting of Seal) [Rec. Doc. 21552], on August 3, 2018 the Court issued an Order [Rec. Doc. 21640] granting the motion, and on August 6, 2018 the substituted Omnibus Response was filed with the Court [Rec. Doc. 21641]. On August 2, 2018, the PSC filed a Motion to Substitute Briefs Previously Filed Under Seal [Rec. Docs. 18433, 18472 and 18958] (Addressing Removal of Confidentiality Designations and Lifting of Seal) [Rec. Doc. 21634]. The Motion was granted [Rec. Doc. 21678] and substitutions were made at Rec. Docs. 21679, 21680 and 21681. On August 8, 2018, the PSC filed a Motion to Substitute Response, Supplemental Response, and Second Supplemental Response of Plaintiffs' Steering Committee to CNBM Group's Motion to Dismiss on Grounds of the Foreign Sovereign Immunities Act [Rec. Docs. 19658, 19817, 19934] (Addressing Removal of Confidentiality Designations and Lifting of Seal) [Rec. Doc. 21651], and a Motion for Expedited Hearing [Rec. Doc. 21652]. On August 24, 2018, the Court issued an Order [Rec. Doc. 21723] granting the substitutions, and the briefs were substituted at Rec. Doc. 21750 and 21754.

CNBM filed a Motion to Decertify the Class Action on January 5, 2017 [Rec. Doc. 20627], BNBM filed a Joinder on January 6, 2017 [Rec. Doc. 20631] and Taishan filed a Joinder on January 9, 2017 [Rec. Doc. 20632]. On February 13, 2017, the PSC filed Plaintiffs' Opposition to Taishan Defendants' Motion to Decertify the Class Pursuant to Rule 23(c)(1)(C) [Rec. Doc. 20675]. The matter was heard on March 2, 2017. On April 21, 2017, the Court issued Order & Reasons [Rec. Doc. 20740]. On May 22, 2017, Taishan filed a Motion to Amend the Order Denying Class Decertification and the

Class Damages Order and to Certify for Interlocutory Appeal Under Section 1292(b) [Rec. Doc. 20778]. On June 15, 2017, the PSC filed a Response in Opposition to Taishan's Motion to Amend the Order Denying Class Decertification and the Class Damages Order and to Certify for Interlocutory Appeal Under Section 1292(b) [Rec. Doc. 20809]. On July 5, 2017, Taishan filed a Reply in Support of Motion to Amend the Order Denying Class Decertification and the Class Damages Order and to Certify for Interlocutory Appeal Under Section 1292(b) [Rec. Doc. 20849].

On February 14, 2017, the PSC filed a Motion to Compel Complete Responses to Supplemental Discovery Directed to Taishan, TTP, BNBM, BNBM Group, CNBM and CNBM Group [Rec. Doc. 20661]. The Court entered an Order on June 14, 2017 [Rec. Doc. 20805] continuing the hearing on this matter until the Court discusses the status of the litigation with Liaison Counsel.

On August 1, 2017, CNBM and BNBM filed a Supplemental Motion on Jurisdiction and Class Certification Following *Bristol-Myers Squibb Co. v. Superior Court of California, San Francisco County* [Rec. Doc. 20882], and August 7, 2017, Taishan filed a Notice of Joinder [Rec. Doc. 20894]. On August 30, 2017, the PSC filed a Memorandum in Opposition to Defendants' Supplemental Motion on Jurisdiction and Class Certification Following *Bristol-Myers Squibb Co. v. Superior Court of California, San Francisco County* [Rec. Doc. 20935]. On September 5, 2017, the Court entered an Order [Rec. Doc. 20942] setting the matter for oral argument on October 12, 2017, following the monthly status conference, and establishing briefing deadlines. On September 19, 2017, CNBM and BNBM filed a Reply Brief in Support of Supplemental Motion on Jurisdiction and Class

Certification Following *Bristol-Myers Squibb Co. v. Superior Court of California, San Francisco County* [Rec. Doc. 20956-2] and Taishan filed a Reply in Support of Taishan's Joinder to Supplemental Motion to Dismiss for Lack of Personal Jurisdiction Following *Bristol-Myers Squibb Co. v. Superior Court* [Rec. Doc. 20964]. On September 29, 2017, the Court issued an additional briefing deadline Order [Rec. Doc. 20992]. On September 29, 2017, Taishan filed a Supplemental Brief in Support of Motion to Dismiss for Lack of Personal Jurisdiction Following *Bristol-Myers Squibb Co. v. Superior Court* [Rec. Doc. 20996]; CNBM and BNBM filed a Supplemental Brief Addressing *In Re Depuy Orthopaedics, Inc.* [Rec. Doc. 20997]; and the PSC filed a Supplemental Memorandum Addressing *In Re Depuy Orthopaedics, Inc.*, in Further Opposition to Defendants' Supplemental Motion on Jurisdiction and Class Certification Following *Bristol-Myers Squibb Co. v. Superior Court of California, San Francisco County* [Rec. Doc. 21000]. On October 6, 2017, the PSC filed a Second Supplemental Memorandum in Further Opposition to Defendants' Supplemental Motion on Jurisdiction and Class Certification Following *Bristol-Myers Squibb Co. v. Superior Court of California, San Francisco County*, Filed Pursuant to the Court's September 28, 2017 Order [Rec. Doc. 21031]. On October 11, 2017, Defendants filed a Supplemental Brief Addressing the Difference, If Any, Between a Mass Action and a Class Action In Which Every Member is a Named Plaintiff [Rec. Doc. 21038] and Taishan filed a Supplemental Brief on Mass Tort and Class Actions in Support of Motion to Dismiss for Lack of Personal Jurisdiction Following *Bristol-Myers Squibb v. Superior Court* [Rec. Doc. 21036]. The matter was heard on October 12, 2017 and was taken under submission (see Minute Entry, Rec. Doc. 21040).

On November 13, 2017, Defendants filed a Motion for Leave to File Notice of Supplemental Authority [Rec. Doc. 21070 and 21073] and November 20, 2017, the PSC filed a Motion for Leave to File a Response [Rec. Doc. 21075 and 21081]. On November 30, 2017, the Court issued Order & Reasons [Rec. Doc. 21088]. CNBM and BNBM specifically reserve their respective objections to jurisdiction. CNBM, BNBM and Taishan have preserved their positions based upon the ruling in Bristol-Myers Squibb. On December 13, 2017, CNBM and BNBM filed a Renewed Motion to Certify an Immediate Appeal From the Court's Jurisdictional Orders [Rec. Doc. 21095] and Taishan filed a Notice of Joinder [Rec. Doc. 21096]. On January 10, 2018, the Court issued an Order [Rec. Doc. 21128] setting briefing deadlines and indicating that no oral argument was necessary on this motion. On January 15, 2018, the PSC filed its Memorandum of Law in Opposition to Defendants' Renewed Motion to Certify an Immediate Appeal From the Court's Jurisdictional Orders [Rec. Doc. 21138 and 21158]. On February 8, 2018, CNBM and BNBM filed a Reply Memorandum in Support of Their Renewed Motion to Certify an Immediate Appeal From the Court's Jurisdictional Orders [Rec. Doc. 21173]. On March 6, 2018, the Court entered Order and Reasons granting in part and denying in part the Motion to Certify Immediate Appeals [Rec. Doc. 21231]. On March 15, 2018, CNBM and BNBM filed a Petition for Permission to Appeal Pursuant to 28 U.S.C. § 1292(b) with the Fifth Circuit Court of Appeals. On August 29, 2018, a Designation of Record on Appeal was filed with the Court [Rec. Doc. 21749].

On August 22, 2017, the PSC filed an End Game Proposal [Rec. Doc. 20913], and on August 31, 2017, filed a Supplement [Rec. Doc. 20937]. On August 23,

2017, CNBM and BNBM filed an MDL Issues List [Rec. Doc. 20923]. On August 24, 2017, Taishan filed Suggestion of Next Steps in MDL Litigation [Rec. Doc. 20928], and on August 31, 2017, CNBM and BNBM filed a Memorandum of Joinder [Rec. Doc. 20938].

On August 3, 2018, the PSC filed a Motion to Stay All Florida Claims on Louisiana and Virginia *Amorin* Complaints [Rec. Doc. 21639]. On August 17, 2018, a Consent Motion to Set Briefing Schedule was filed with the Court [Rec. Doc. 21694]. On August 21, 2018, Taishan filed a Request for Oral Argument [Rec. Doc. 21696] and an Order Setting Briefing Schedule & Granting Request for Oral Argument was issued by the Court [Rec. Doc. 21701]. On August 24, 2018, the CNBM and BNBM Entities filed an Opposition to the PSC's Motion to Stay All Florida Claims on Louisiana and Virginia *Amorin* Complaints [Rec. Doc. 21728]. On September 6, 2018, the PSC filed an Omnibus Reply in Support of Motion to Stay All Florida Claims on Louisiana and Virginia *Amorin* Complaints [Rec. Doc. 21758].

On August 17, 2018, the PSC filed an Unopposed Motion and Incorporated Memorandum to Apply Redactions and Otherwise Lift the Seal Over the Motions Hearing Dated March 2, 2017 [Rec. Doc. 21690]. On August 20, 2018, an Order was issued granting the motion [Rec. Doc. 21705]. The redacted transcript was filed into the record at Rec. Doc. 21710.

On August 24, 2018, the Court issued an Order [Rec. Doc. 21719] directing Plaintiffs to respond to Defendants' Motions to Dismiss [Rec. Doc. 19984 and 19998], and the matters are set for submission on September 26, 2018. On September 7, 2018, the PSC

filed a Response in Opposition to Defendants' Motion to Dismiss in the Abner case [Rec. Doc. 21775], filed at Rec. Doc. 19998; and an Opposition to Defendants' Motion to Dismiss in the Brooke case [Rec. Doc. 21779], filed at Rec. Doc. 19984. On September 11, 2018, the Court issued an Order [Rec. Doc. 21776] setting the motions for submission on September 26, 2018. On September 26, 2018, BNBM filed a Reply in the Abner Case [Rec. Doc. 21814] and a Reply in the Brooke case [Rec. Doc. 21818]. On October 4, 2018, the PSC filed a Motion to Strike the Declaration of Donald Clarke [Rec. Doc. 21820].

On August 24, 2018, Taishan filed a Motion to Dismiss Florida Claims from Louisiana *Amorin* [Rec. Doc. 21729]. On September 6, 2018, the PSC filed an Opposition to Taishan's Motion to Dismiss Florida Claims From the Louisiana *Amorin* Complaint [Rec. Doc. 21758].

On August 28, 2018, the PSC filed a Notice of Clarification Regarding the Composition of the *Amorin* Class [Rec. Doc. 21741]. On September 6, 2018, CNBM and BNBM Entities filed a Motion to Reject the PSC's Notice of Clarification Regarding the Composition of the *Amorin* Class [Rec. Doc. 21763] and Taishan filed a Notice of Joinder [Rec. Doc. 21764]. On September 18, 2018, the PSC filed a Response to the Motion to Reject [Rec. Doc. 21783]. On September 26, 2018, the Defendants filed a Reply [Rec. Doc. 21816].

On August 28, 2018, the PSC filed an Amended Memorandum in Support of Motion for Suggestion of Remand [Rec. Doc. 21752].

On September 6, 2018, the PSC filed a Motion to Set for Hearing on its Motion to Set Aside Judgments Pursuant to Fed.R.Civ.P. 60(B) (Rec. Doc. 20388) [Rec.

Doc. 21759]. On September 7, 2018, the Court issued an Order [Rec. Doc. 21765] setting a briefing schedule and the matter for submission on October 16, 2018. On September 10, 2018, the PSC filed a Request for Oral Argument [Rec. Doc. 21769]. On October 3, 2018, the PSC filed a Motion to Withdraw Without Prejudice Plaintiffs' Motion to Set Aside Judgments Pursuant to Fed.R.Civ.P. 60(b) [Rec. Doc. 21812] and on October 4, 2018, the Court issued an Order [Rec. Doc. 21824] withdrawing the motion.

On August 28, 2018, the PSC filed a Notice of Oral and Videotaped Deposition of Plaintiff, Roger Callia [Rec. Doc. 21747]. On September 6, 2018, the PSC filed an Amended Notice of Oral and Videotaped Deposition of Plaintiff, Roger Callia [Rec. Doc. 21760].

On September 21, 2018, the PSC filed a Notice of Oral and Videotaped Deposition of Plaintiff, Brenda Owens [Rec. Doc. 21788]. On October 10, 2018, the PSC filed a Notice of Postponement of Oral and Videotaped Deposition of Brenda Owens [Rec. Doc. 21833].

On October 9, 2018, the PSC filed a Motion to Remove Confidentiality Designations With Respect to the Substituted Memorandum of Law in Support of Plaintiff-Intervenors and the Plaintiffs' Steering Committee to Enforce the Courts' July 17, 2014 Contempt Order and Rule to Show Cause Why Any Confidentiality Designations Should Remain [Rec. Doc. 21830], with a Request for Oral Argument [Rec. Doc. 21831].

V. VENTURE SUPPLY & PORTER BLAINE DEFENDANTS

On March 13, 2018, a Motion for an Order (1) Preliminarily Approving the Settlement Agreement of Assigned Claims in MDL No. 2047 on Behalf of the Porter-

Blaine/Venture Supply Class Regarding Claims Assigned to the Class by the Porter-Blaine/Venture Participating Defendants and Participating Insurers Against Taishan Gypsum Co., Ltd. and Taian Taishan Plasterboard Co., Ltd.; (2) Directing the Dissemination of Class Notice; and (3) Scheduling a Fairness Hearing [Rec. Doc. 21244] was filed with the Court. On April 17, 2018, the Court issued an (1) Order Preliminary Approving the Settlement Agreement of Assigned Claims in MDL 2047 on Behalf of the Porter-Blaine/Venture Supply Class Regarding Claims Assigned to the Class by Porter-Blaine/Venture Participating Defendants and Participating Insurers Against Taishan Gypsum Co., Ltd. and Taian Taishan Plasterboard Co., Ltd.; (2) Directing the Dissemination of Class Notice; and (3) Scheduling a Fairness Hearing on July 18, 2018 at 10:00 a.m. [Rec. Doc. 21307].

On July 5, 2018, Class Counsel's Motion for an Order Granting Final Approval of the Settlement of Assigned Claims in MDL No. 2047 on Behalf of the Porter-Blaine/Venture Supply Class Regarding Claims Assigned to the Class By the Porter-Blaine/Venture Supply Participating Defendants and Participating Insurers Against Taishan Gypsum Co., Ltd. and Taian Taishan Plasteboard Co., Ltd. was filed [Rec. Doc. 21485] was filed with the Court. A Fairness Hearing was conducted before the Court on July 18, 2018 (*see* Minute Entry Rec. Doc. 21540) and the motion was granted as stated on the record. An Order and Judgment was entered by the Court on July 19, 2018 [Rec. Doc. 21544].

On September 14, 2018, Class Counsel filed a Motion to Establish Settlement Fund (Attorney Fee) and to Appoint Fund Administrator (Assigned Claims

Settlement) [Rec. Doc. 21781]. On October 4, 2018, the Court issued an Order [Rec. Doc. 21822] granting the Motion to Establish Settlement Fund.

VI. BENNETT CLASS ACTION

On March 7, 2018, the Court conducted a status conference concerning the action styled *Elizabeth Bennett, et al. v. Gebrueder Knauf Verwaltungsgesellschaft, KG, et al.*, Case No. 1:14-cv-02722-EEF-JCW [Rec. Doc. 21238]. On March 13, 2018, it was agreed that Plaintiffs' deadline to submit profile forms (PPF and SPPF, as appropriately modified) and all supporting documentation to Brown Greer is forty-five (45) days or by April 27, 2018. On May 14, 2018, the Court issued an Order [Rec. Doc. 21332] filing the Fourth Amended Class Action Complaint [Rec. Doc. 21333] and Fifth Amended Class Action Complaint [Rec. Doc. 21334]. The Court conducted a status conference on June 27, 2018 at 1:30 p.m. and a telephone status conference on July 6, 2018 at 9:00 o'clock a.m. The Court directed the parties to meet and confer, and issued a Minute Entry [Rec. Doc. 21481]. The parties made a report to the Court at the July 18, 2018 status conference on the status of Plaintiffs need to add additional plaintiffs in a yet to be filed sixth amended complaint. On August 27, 2018, certain served Knauf Entities filed Motions to Dismiss for Lack of Jurisdiction [Rec. Docs. 21731, 21732, 21733 and 21734] and Motions for Summary Judgment [Rec. Docs. 21736, 21737, 21738, 21739 and 21740]. On September 10, 2018, Plaintiffs' counsel filed a Motion to Intervene [Rec. Doc. 21770]. On September 26, 2018, the Court issued an Order [Rec. Doc. 21796] granting the 21770 Motion to

Intervene and the Class Action Intervenor Complaint was filed at Rec. Doc. 21797. On September 26, 2018, the Knauf Entities filed a Response/Memorandum in Support of its 21731, 21733, 21734, 21736, 21737, 21738, 21739 and 21740 motions [Rec. Doc. 21793]. On September 26, 2018, the Court issued an Order [Rec. Doc. 21794] on the Knauf Entities' 21731, 21732, 21733, 21734, 21736, 21737, 21738 and 21739 motions and an Order [Rec. Doc. 21795] on the Knauf Entities' 21740 motion. On October 2, 2018, Knauf Gips KG, filed a Motion to Set Status Conference [Rec. Doc. 21808]. On October 9, 2018, the Court issued an Order [Rec. Doc. 21829] setting a status conference for October 26, 2018 at 1:30 p.m. The parties will be prepared to discuss these matters with the Court at the October 16, 2018 status conference.

VII. FREQUENTLY ASKED QUESTIONS

The "MDL FAQs" may be found at www.laed.uscourts.gov/Drywall/FAQ.htm. Liaison counsel reminds the parties to review the FAQs before contacting Liaison Counsel. The parties will be prepared to discuss this issue at the monthly status conference on October 16, 2018.

VIII. ATTORNEY FEES

On January 31, 2018, the Court issued Order and Reasons Setting Common Benefit Fees [Rec. Doc. 21168]. On February 28, 2018, Primary Counsel filed a Motion for Certification of Order for Interlocutory Appeal Under 28 U.S.C. § 1292(b), or in the Alternative, Entry of Final Judgment Under Rule 54(b) [Rec. Doc. 21216]. On March 19, 2018, Plaintiffs' Lead and Liaison Counsel filed a Memorandum of Law in Opposition to Primary Counsel's Motion for Certification of Order for Interlocutory Appeal Under 28

U.S.C. § 1292(b), Or in the Alternative, Entry of Final Judgment Under Rule 54(h) [Rec. Doc. 21248-2]. On March 27, 2018, Primary Counsel filed a Reply in Support of Primary Counsel's Motion for Certification of Order for Interlocutory Appeal Under 28 U.S.C. § 1292(B) [Rec. Doc. 21273]. On May 7, 2018, the Court issued Order and Reasons [Rec. Doc. 21322].

On May 4, 2018, Krupnick Campbell Malone (KCM) filed a Motion to Compel Fee Committee to Transmit to Common Benefit Counsel the Committee's Recommendation and/or Set Timelines Pursuant to Pre-Trial Order 28 and Pre-Trial Order 28(E) [Rec. Doc. 21319]. On May 7, 2018, Plaintiffs' Lead and Liaison Counsel filed a Response [Rec. Doc. 21321] and on May 9, 2018, KCM filed a Reply Memorandum [Rec. Doc. 21327]. On June 12, 2018, the Court entered an Order denying the motion [Rec. Doc. 21403].

On May 18, 2018, Yance Law Firm's Motion to Immediately Transfer Attorney Fee Qualified Settlement Fund to a Different Depository Bank or Back Into the Court Registry [Rec. Doc. 21338] was filed with the Court. On May 22, 2018, Krupnick Campbell Malone Et Al.'s Joinder in Relief Sought in Yance Law Firm's Motion to Immediately Transfer Attorney Fee Qualified Settlement Fund to a Different Depository or Back Into the Registry of the Court [Rec. doc. 21341] was filed with the Court. On May 31, 2018, Taylor Martino, P.C.'s Joinder in Relief Sought in Yance Law Firm's Motion to Immediately Transfer Attorney Fee Qualified Settlement Fund to a Different Depository or Back Into the Registry of the Court [Rec. Doc. 21350] was filed with the Court. On June 12, 2018, the Court issued an Order [Rec. Doc. 21405] providing a briefing schedule

and setting the matter for hearing for oral argument on July 12, 2018 at 9:00 a.m., and transferring the Attorney Fee Settlement Fund from Esquire Bank to the Court Registry. On June 26, 2018, Plaintiffs' Liaison Counsel and Plaintiffs' Lead Counsel filed a Response [Rec. Docs. 21429-2 and 21432-2]. On July 3, 2018, Yance Law Firm filed a Reply [Rec. Doc. 21477] and on July 5, 2018, Krupnick Campbell Malone filed a Reply [Rec. Doc. 21499]. This matter was heard on July 12, 2018 and the parties await a ruling from the Court [Minute Entry Rec. Doc. 21506].

On July 3, 2018, Step Six Final Recommendation of the Majority of the Fee Committee Regarding Allocation of the Common Benefit was filed [Rec. Doc. 21455] and on July 5, 2018, Krupnick Campbell Malone Et Al's Minority Fee Committee Report Consistent With "Step Six" Pursuant to Pre-Trial Order 28 was filed [Rec. Doc. 21473]. On July 6, 2018, the Court entered an Order [Rec. Doc. 21482] directing anyone having any objections to the attached [21455] recommendations to file their objections with the Court no later than Friday, July 20, 2018 at 5:00 p.m. central standard time. Numerous objections were filed under seal with the Court, as well as joinder of multiple common benefit attorney in the Fee Committee Minority Report. The Court issued an Order [Rec. Doc. 21574] permitted the Fee Committee access to the sealed objections. On July 20, 2018, the Court issued an Order [Rec. Doc. 21577] directing anyone having any response to the attached Minority Fee Committee Report [Rec. Doc. 21473] to file their response with the Court no later than Friday, July 27, 2018 at 5:00 p.m. central standard time. The Court provided notice of the Majority of the Fee Committee recommendation and the Fee Committee Minority Report, and posted the information to the Court's website located

at www.laed.uscourts.gov, which has a tab that links directly to “Drywall MDL.” On July 19, 2018, the Court issued an Order [Rec. Doc. 21548] directing the Fee Committee to file any responses to the objections no later than Friday, August 3, 2018 at 5:00 p.m. On July 27, 2018, the Majority of the Fee Committee filed its Response to Krupnick Campbell Malone Et Al’s Minority Fee Committee Report [Rec. Doc. 21607]. On July 30, 2018, the Reply of the Majority of the Fee Committee to 1) the Minority Fee Committee Report, 2) the Joinder of Multiple Common Benefit Attorney in Fee Committee Minority Report, and 3) the Objections to Step Six Recommendation Regarding Allocation of Common Benefit was filed with the Court, Under Seal [Rec. Doc. 21632].

On July 20, 2018, Parker Waichman, LLP filed a Motion to Disqualify Fee Committee Chair and Co-Chair, to Strike Step Six Recommendation of the Majority of Fee Committee Regarding Allocation of the Common Benefit (R.Doc. 21455), and to Lift the Seal on Related Filings [Rec. Doc. 21489], along with a Request for Oral Argument [Rec. Doc. 21490]. On July 20, 2018, the Court issued an Order [Rec. Doc. 21585] indicating that the Motion to Disqualify will be considered on the pleadings. On July 31, 2018, the Fee Committee filed a Response in Opposition to Parker Waichman LLP’s Motion to: (1) Disqualify Fee Committee Chair and Co-Chair, (2) Strike the Step Six Recommendation of the Majority of the Fee Committee Regarding the Allocation of Common Benefit Fees, and (3) Lift the Seal on Related Filings [Rec. Doc. 21630]. On August 8, 2018, Parker Waichman filed a Reply Memorandum [Rec. Doc. 21644]. On August 9, 2018, the Declaration of Arnold Levin in Opposition to Parker Waichman LLP’s Motion to

Disqualify Fee Committee Chair and Co-Chair was filed into the record under a Motion for Leave [Rec. Doc. 21667].

On August 22, 2018, the Court issued an Order notifying the parties that within twenty (20) days it intends to appoint Daniel J. Balhoff of Perry, Balhoff, Mengis & Burns, L.L.C. as Special Master for this matter to conduct limited discovery regarding time and expense submissions, procedures, and the relevant work of Philip Garrett, CPA, to make appropriate recommendations regarding these motions and objections, and for all other purposes outlined therein [Rec. Doc. 21702]. On September 11, 2018, the Court issued an Order [Rec. Doc. 21777] affirming the appointment of Special Master Balhoff. On September 26, 2018, the Special Master's Written Reasons Concerning Requests for Discovery was filed with the Court [Rec. Doc. 21798].

IX. MATTERS SET FOR HEARING FOLLOWING THE CURRENT STATUS CONFERENCE

1. Taishan's Motion to Remand *Mitchell* [Rec. Doc. 21786].

X. PHYSICAL EVIDENCE PRESERVATION ORDER

On October 9, 2009, the Court issued Pre-Trial Order 1(B) relating to the preservation of physical evidence from properties that may be repaired during the course of these MDL proceedings. Pre-Trial Order 1(I) was entered by the Court on January 24, 2012 [Rec. Doc. 12257] and on March 20, 2015 the Court entered Pre-Trial Order 1(J) [Rec. Doc. 18528].

XI. SUGGESTION OF REMAND

On June 6, 2018, the United States Judicial Panel on Multidistrict Litigation issued a Remand Order [Rec. Doc. 524] for certain plaintiffs in the *Amorin* action (1:11-22408) remanding the actions to the Southern District of Florida. Judge Marcia G. Cooke conducted a status conference on July 13, 2018 at 11:00 a.m. in the Miami Division of the United States District Court, Southern District of Florida. On August 10, 2018, a Joint Case Management Plan was filed with the United States District Court, Southern District of Florida. On September 4, 2018, the PSC filed a Notice of Filing in Florida *Amorin* Case [Rec. Doc. 21756]. On September 24, 2018, the PSC filed two (2) Notices of Filing in Florida *Amorin* Case, one relating to Trial Plans [Rec. Doc. 21789] and one relating to Priority Claimants [Rec. Doc. 21790]. On October 1, 2018, the PSC filed two (2) Notices of Filing in Florida *Amorin* Case, one relating to Priority Claimant Submissions and Notice of Compliance (Fact Witnesses) [Rec. Doc. 21807] and one relating to Motion to Enforce Trial Rights and Motion to Reject Remediation Damages Formula [Rec. Doc. 21806]. On October 4, 2018, the PSC filed a Notice of Filing in Florida *Amorin* Case relating to Endorsed Order Setting Hearing and Requiring Briefing regarding Judge Fallon's findings of liability and application of his remediation formula [Rec. Doc. 21819].

On August 20, 2018, the Court issued a Suggestion of Remand, Opinion and Order [Rec. Doc. 21695] suggesting certain cases listed in the *Amorin, et al v. Taishan Gypsum Co., Ltd., et al*, 11-cv-1673 (ED. La.) be remanded to the transferor courts in Virginia. On October 10, 2018, the JPML issued a finalized Conditional Remand Order regarding the Virginia *Amorin* case (JPML Document No. 547) (VAE/2:11-cv-00377).

On September 20, 2018, Taishan filed a Motion to Remand *Mitchell* [Rec. Doc. 21786]. The matter is set for submission on October 10, 2018. On September 26, 2018, the Mitchell Company, Inc. filed a Response in Opposition to Taishan's Motion for Suggestion of Remand [Rec. Doc. 21792]. On October 4, 2018, Taishan filed a Motion to Set Briefing Schedule [Rec. Doc. 21821].

XII. MISCELLANEOUS

On June 25, 2018, Plaintiffs' Liaison Counsel filed a Motion to Authorize Plaintiffs' Liaison Counsel to Pay and/or Reimburse Payment of Taxes [Rec. Doc. 21427]. On July 12, 2018, the Court issued in an Order [Rec. Doc. 21505] granting the motion.

XIII. NEXT STATUS CONFERENCE

The next monthly status conference is scheduled for November 15, 2018, at 9:00 a.m. The following monthly status conference is scheduled for December 20, 2018 at 9:00 a.m. Conference call information is available on the Court's MDL website on the Calendar page.