

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

IN RE: CHINESE-MANUFACTURED * Docket No. 09-MDL-2047
DRYWALL PRODUCTS LIABILITY *
LITIGATION *

* March 2, 2017
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Relates to all cases

* Section "L"
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REPORTER'S OFFICIAL TRANSCRIPT OF THE
STATUS CONFERENCE

BEFORE THE HONORABLE ELDON E. FALLON,
UNITED STATES DISTRICT JUDGE.

REPORTED BY: Mary Thompson, RMR, FCRR
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APPEARANCES:

For the Plaintiffs:

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1 P R O C E E D I N G S

2 (Call to order of the court.)

3 THE COURT: Be seated, please.

4 Good morning, ladies and gentlemen.

08:59:57 5 Call the case.

6 THE CASE MANAGER: MDL 2047, *In Re: Chinese-*
7 *Manufactured Drywall Products Liability Litigation.*8 THE COURT: Counsel, make your appearances for the
9 record, please.09:00:11 10 MR. ROSENBERG: Morning, Judge Fallon. Harry Rosenberg
11 as liaison counsel for CNBM, BNBK, and Taishan, Your Honor.12 MR. HERMAN: Good morning, Judge Fallon. Russ Herman
13 on behalf of the PSC.14 MR. MILLER: Good morning, Judge. Kerry Miller for the
09:00:28 15 Knauf entities and the defense steering committee.16 THE COURT: This is our monthly status conference which
17 we have first to deal with any matters on the agenda for the
18 conference.

19 MR. HERMAN: May it please the Court:

09:00:44 20 Judge Fallon, there are not many issues on the agenda
21 this morning, and, as I understand it, Your Honor will have
22 argument after --

23 THE COURT: Right.

24 MR. HERMAN: -- the regular agenda on two issues.

09:00:59 25 THE COURT: Yes.

1 MR. HERMAN: With regard to the Knauf remediation
2 program, Jake Woody is here to report and Kerry Miller
3 representing Knauf.

4 MR. MILLER: I'll let Mr. Woody go ahead, Your Honor.

09:01:17 5 THE COURT: Go ahead, Jake.

6 MR. WOODY: Good morning, Your Honor. Jake Woody from
7 BrownGreer. I just have a very brief update for you.

8 We are continuing to resolve Knauf claims, that they
9 have the right to, pursuant to an assignment from a remediation.
10 Just this week we were able to resolve 377 of those claims and
11 issue payment on those.

09:01:33 12 The purpose of -- or the benefit of resolving those is
13 that it frees up Global, Banner, and InEx money that we can then
14 begin the process of calculating to pay out the remaining funds
09:01:49 15 in a second distribution. So that is our main focus right now.

16 We've also made some payments pursuant to the Builder
17 Memorandum of Understanding, but there are no other outstanding
18 claims and we are focused mainly on wrapping up the settlement
19 program.

09:02:06 20 THE COURT: About how many claims in the Knauf program
21 were resolved and dealt with?

22 MR. WOODY: In total?

23 THE COURT: Yeah.

24 MR. WOODY: Just about 20,000 in the whole settlement
09:02:18 25 program.

1 THE COURT: Right. Okay. All right. Thank you.
2 Anything from Kerry Miller?

3 MR. MILLER: Yeah, Judge. As Jake said -- Kerry Miller
4 for Knauf.

09:02:32 5 We're going to be working with Jake and BrownGreer.
6 Given the intersection between the Knauf settlement and
7 BrownGreer's role as administrators of the three other
8 settlements, a pretrial order would hopefully allow BrownGreer to
9 wrap up its duties, put the remaining class members on notice,
09:02:52 10 and then allow Knauf to avail themselves of the credits that
11 they're entitled to.

12 As it stands now, Knauf only has four homes in the
13 remediation program and about a half-dozen ARH homes left, so the
14 settlement is 99 percent done as far as Knauf is concerned.

09:03:11 15 THE COURT: Then file the necessary motion and we'll
16 get you out of the case and you'll be gone.

17 MR. MILLER: Thank you, Judge.

18 MR. ROSENBERG: Your Honor, as the Court knows, the
19 next item is relating to the Taishan, CNBM, and BNBM entities and
09:03:31 20 their motions after this status conference that would be
21 considered by the Court.

22 THE COURT: Okay.

23 MR. HERMAN: May it please the Court:

24 With regard to Taishan, BNBM, and CNBM, at the next
09:03:45 25 status conference on April 6th, there will be three matters set

1 for argument.

2 The next issue involves Venture Supply, and
3 Arnold Levin, lead counsel, will make a brief statement regarding
4 that.

09:04:07 5 THE COURT: Okay. This is the case dealing with
6 Venture in Virginia.

7 MR. LEVIN: Your Honor, that case is set for trial.
8 Bernard has the dates because he'll be trying it, I believe in
9 April. There's discovery that is taking place now. We have made
10 arrangements for Venture's counsel to conduct a search of their
11 documents to produce in discovery. That's the trial.

12 Also we will submit, for distribution, an order
13 allowing the stipend to go out to counsel in the Taishan matters
14 in Virginia.

09:04:52 15 THE COURT: Okay.

16 MR. TAYLOR: Your Honor, it's currently scheduled for
17 trial in April, but there's another trial that the judge has
18 ongoing about that time so it may be pushed back until a date in
19 June.

09:05:03 20 THE COURT: All right. I'm in touch with the judge in
21 that matter and she's moving forward on those cases.

22 Anything further on it?

23 (No response.)

24 THE COURT: The next status conference is in March and
09:05:16 25 then April. What's the date in March, Harry?

1 MR. ROSENBERG: In May?

2 MR. HERMAN: April 6th.

3 MR. ROSENBERG: April 6th and May 18th.

4 THE COURT: Right. April 6th and then in May.

09:05:29 5 MR. ROSENBERG: April 6th in the morning, Your Honor.

6 THE COURT: April 6th in the morning. And then

7 May 18th --

8 MR. HERMAN: 16th.

9 THE COURT: May 16th at 2:00.

09:05:42 10 MR. HERMAN: May it please the Court, Your Honor. In

11 regard to the attorney fee issue, Mr. Balhoff is the special
12 master. That matter is ongoing. It's in his hands right now.

13 As I understand it, just for the record, on May 16th
14 the status conference will be in the afternoon, not in the
09:06:06 15 morning.

16 On April 6th the three matters are severance and
17 suggestion of remand, the machine translation issue regarding
18 sanctions, and the confidentiality-of-document controversy.

19 That's all, Your Honor.

09:06:32 20 THE COURT: All right.

21 MR. ROSENBERG: That's right, Your Honor.

22 (Proceedings concluded.)

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CERTIFICATE

I hereby certify this 6th day of March, 2017, that the foregoing is, to the best of my ability and understanding, a true and correct transcript of the proceedings in the above-entitled matter.

/s/ Mary V. Thompson

Official Court Reporter

09:06:34