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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

IN RE: CHINESE-MANUFACTURED
DRYWALL PRODUCTS
LIABILITY LITIGATION

CIVIL DOCKET NO. 09-MD-2047 "L"
NEW ORLEANS, LOUISIANA
TUESDAY, MAY 16, 2017, 2:00 P.M.

THIS DOCUMENT RELATES TO
ALL CASES

TRANSCRIPT OF MONTHLY STATUS CONFERENCE PROCEEDINGS
HEARD BEFORE THE HONORABLE ELDON E. FALLON
UNITED STATES DISTRICT JUDGE

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

TUESDAY, MAY 16, 2017

A F T E R N O O N S E S S I O N

(COURT CALLED TO ORDER)

THE DEPUTY CLERK: All rise.

THE COURT: Please be seated, please. Good afternoon, ladies and gentlemen. Let's call the case.

THE DEPUTY CLERK: MDL 2047, Chinese-Manufactured Products Liability Litigation.

THE COURT: Counsel, make your appearance for the record, please.

MR. ROSENBERG: Good afternoon, Judge Fallon. Harry Rosenberg as liaison counsel for CNBM and BNMB, Your Honor.

MR. MILLER: Russ wants me to follow Harry. I don't know why. Kerry Miller, liaison counsel for the Defense Steering Committee and Knauf.

MR. HERMAN: We always all follow you, Kerry. May it please the Court, good afternoon. It's Russ Herman on behalf of the plaintiffs.

We have a status conference report. There is not a great deal to discuss on it. I have talked briefly to Jake Woody, who will address the Court -- that would be under

02:06:29 1 Omnibus Complaints -- and Kerry Miller, who will address the
02:06:35 2 Court in terms of Remediation, and then I will only recite what
02:06:41 3 has happened since the last time we met, so that it's on the
02:06:46 4 record of the status conference, and, of course, answer any
02:06:49 5 questions Your Honor has.

02:06:50 6 THE COURT: Okay. I talked to counsel a moment ago,
02:06:55 7 the liaison lead counsel. I'm at the stage in the litigation
02:06:59 8 where I've about done everything I can for the litigants, and
02:07:02 9 I'm going to be focused now on an end game with the Knauf
02:07:09 10 aspect of the case. I do have outstanding attorney's fees and
02:07:15 11 there are some claimants that have to be tied up.

02:07:19 12 There are some areas that have to be dealt with
02:07:21 13 with regard to the Taishan aspect of the case. I've issued
02:07:28 14 some orders. There are some potential appeals, so that will
02:07:33 15 either be filed shortly or have been filed, and we'll deal with
02:07:37 16 that.

02:07:37 17 Then we're the going to deal with the cases, if
02:07:42 18 they do get sent back, where they get sent back to, which cases
02:07:46 19 get sent back, which cases remain here, and then I'll deal with
02:07:51 20 the Trial Plan.

02:07:53 21 In a case like this, I can do flights. I don't
02:07:56 22 see necessarily one trial for each case. We can do five or six
02:08:05 23 at a time. In that type situation I generally am able to do
02:08:10 24 three in the morning and three in the afternoon.

02:08:13 25 The jury, I don't like to give them more than six

02:08:16 1 cases, but we can do three cases with them, and they can come
02:08:19 2 back, and then in the afternoon we'll do another three cases,
02:08:23 3 and we'll get rid of them that way.

02:08:28 4 I don't know if my colleagues in the states, what
02:08:32 5 they would do. There are some in New Jersey. There is maybe
02:08:39 6 one in Virginia and a couple more in Florida, in Texas. So,
02:08:47 7 I'm culling through the cases now and alerting my colleagues
02:08:51 8 both in state and federal court that they will be getting cases
02:08:55 9 back.

02:08:55 10 So you all need to be focused on, and I talked to
02:08:59 11 liaison and lead counsel about that, that we're going to talk
02:09:02 12 more about it in the next following status conferences so that
02:09:09 13 we can get some game plan in that regard.

02:09:11 14 I also have several motions before me that are
02:09:16 15 not set at this point, but it has to do with motions that the
02:09:25 16 fee committee has filed and motions that the objectors have
02:09:28 17 filed. I have most of that information, but I'll be issuing an
02:09:33 18 order, a briefing schedule for you all.

02:09:35 19 If the dates I select give you some pause, get to
02:09:39 20 me and I'll deal with them and try to accommodate you, so I
02:09:44 21 want your input and good input. I don't want to rush this, but
02:09:49 22 I do want to get it over with.

02:09:50 23 Anything from the defendants' standpoint?

02:09:55 24 MR. ROSENBERG: No, Your Honor.

02:09:58 25 MR. HERMAN: Your Honor, I think Mr. Woody has a brief

02:10:01 1 report and then Mr. Miller has a brief report.

02:10:04 2 THE COURT: Yeah, with this report, I had one of my
02:10:14 3 orders I issued was a class certification, a certified class in
02:10:20 4 the certain aspect of the case against Taishan, and one of the
02:10:26 5 provisions in it is to direct the parties to get to me a list
02:10:34 6 of cases, as you'll see from my order, the orders, and Jake is
02:10:49 7 involved with that compilation of the list.

02:10:54 8 The steering committee, under the supervision of
02:10:57 9 BrownGreer, submitted an updated class plaintiffs spreadsheet
02:11:01 10 endeavoring to include only the properties verified under it.

02:11:04 11 So there are two aspects, Jake, from your
02:11:07 12 standpoint point. One is the last part of Knauf's cases, I
02:11:13 13 would be interested in hearing from you there, and then this
02:11:16 14 assignment.

02:11:16 15 MR. WOODY: Yes, Your Honor. Jake Woody from
02:11:20 16 BrownGreer. I do have an update on both fronts.

02:11:22 17 I'll start with Knauf. We've continued to make
02:11:24 18 some payments that are sort of the normal process of wrapping
02:11:28 19 up a case like this. People who haven't submitted the required
02:11:31 20 paperwork, we will pay them if they still have an outstanding
02:11:35 21 claim.

02:11:35 22 We also are working with Knauf to resolve the
02:11:38 23 overlapping claims that they have with homeowners, and we've
02:11:42 24 made a lot of progress on that since the last status report. I
02:11:46 25 expect to have all of those claims resolved in the next 30 to

02:11:50 1 45 days. I'll let Mr. Miller speak about that as well.

02:11:52 2 THE COURT: How many cases are there still?

02:11:55 3 MR. WOODY: I believe there are 85 claims where Knauf
02:11:58 4 has a claim and the homeowner also has a claim. I think all of
02:12:01 5 those will be resolved in fairly short order either because of
02:12:05 6 a Special Master ruling or because of a release from one of the
02:12:09 7 parties. Once that is done, we can make the calculations on
02:12:12 8 the remaining GBI funds and pay that out to all of the parties.

02:12:17 9 Then on the Taishan front, we did review your
02:12:19 10 findings of fact and conclusions of law, and I've started to
02:12:23 11 update that list to see if any of the information on it has
02:12:26 12 changed since the June 2015 hearing.

02:12:30 13 We will be able to comply with that well ahead of
02:12:33 14 the 60-day deadline that is in the order and come up with any
02:12:37 15 new information that's available.

02:12:39 16 THE COURT: Good. Okay. Well, that sounds fine.

02:12:40 17 MR. WOODY: Thank you, Your Honor.

02:12:42 18 THE COURT: All right. Anything from anyone else?
02:12:45 19 Kerry.

02:12:46 20 MR. MILLER: Very briefly, Your Honor. Kerry Miller
02:12:49 21 for Knauf.

02:12:50 22 Following up on Jake's comments and also the
02:12:54 23 discussion that we had in chambers prior to this open court
02:12:56 24 status conference, Knauf has remediation and already remediated
02:13:02 25 home claims left outstanding, but the number of substantively

02:13:10 1 disputed claims is far less than the 85 that Jake had
02:13:13 2 mentioned. It's a very small subset of that.

02:13:17 3 What Jake had referred to were claims where there
02:13:18 4 was a competing claim interest over the GBI amount. That's
02:13:21 5 more of an administrative issue, a paperwork issues that has to
02:13:22 6 be worked through.

02:13:23 7 But like Jake said, with respect to the remaining
02:13:25 8 disputed substantive issues on the Knauf remediation and ARH
02:13:33 9 side, all of those matters will be resolved and are directed to
02:13:36 10 the Special Master. Over the course of the summer you may have
02:13:39 11 some appeals from those, Your Honor, but that will resolve it
02:13:42 12 once and for all.

02:13:43 13 THE COURT: Okay. Then get to me, when we finish with
02:13:47 14 the Knauf, some sort of an order that terminates that aspect of
02:13:52 15 the case, and then we'll put it out as a done deal and that
02:13:57 16 sort of thing.

02:13:59 17 MR. MILLER: I will be very happy to. Thank you,
02:13:59 18 Judge.

02:14:03 19 THE COURT: Okay.

02:14:03 20 MR. HERMAN: May it please the Court, Roman Numeral
02:14:08 21 VII, Taishan, CNBM, and BNBM defendants. Your Honor has
02:14:13 22 already directed all parties to meet and confer and present
02:14:18 23 Your Honor with recommendations of how we go forward.

02:14:21 24 On April 21st, the Court issued its opinions,
02:14:27 25 findings of fact and conclusions of law on the June 9, 2015,

02:14:32 1 damage hearing. We've had meetings within Fishbein, HHK,
02:14:39 2 Dawn Barrios, and Anthony Irpino reviewing that in order to
02:14:44 3 comply with the Court's order and cooperate with Mr. Woody.

02:14:47 4 On April 21st, the Court issued an order and
02:14:50 5 reasons of various motions to dismiss. The motion to remove
02:14:56 6 confidentiality is set for June 27th. The motion regarding the
02:15:02 7 satisfied translations is set for June 27th. The CNBM and BNMB
02:15:09 8 motion to decertify the class, order and reasons were issued
02:15:12 9 April 21st. The motion to compel complete responses is now set
02:15:17 10 for June 27th.

02:15:19 11 May it please the Court, I believe that other
02:15:25 12 than the matters that I just stated, if we turn to page 19, the
02:15:35 13 Court ordered an issue May 12th addressing discovery, and the
02:15:42 14 Special Master proceedings, the evidentiary hearings which are
02:15:46 15 now scheduled on May 31st and June 1st, and as I understand it,
02:15:51 16 the Special Master will meet with counsel on that matter
02:15:56 17 following the status conference.

02:15:57 18 Your Honor, then on page 23, the briefing
02:16:06 19 schedule and date, Your Honor has indicated that you would
02:16:11 20 address on a motion to decertify.

02:16:14 21 Lastly, Your Honor, as I understand it, our next
02:16:22 22 status conference is June 27th, and following that is
02:16:27 23 August 3rd.

02:16:28 24 THE COURT: August 3rd.

02:16:30 25 MR. HERMAN: If some counsel are unavailable --

02:16:33 1 THE COURT: They can come in by phone.

02:16:35 2 MR. HERMAN: They can come in by phone.

02:16:36 3 That concludes my report to the Court.

02:16:39 4 THE COURT: Okay. Anything? All right, folks. Thank
02:16:47 5 you very much. Court will stand in recess.

02:16:49 6 THE DEPUTY CLERK: All rise.

7 (WHEREUPON, at 2:16 p.m., the proceedings were
8 concluded.)

9 * * *

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11 REPORTER'S CERTIFICATE

12
13 I, Cathy Pepper, Certified Realtime Reporter, Registered
14 Merit Reporter, Certified Court Reporter in and for the State
15 of Louisiana, Official Court Reporter for the United States
16 District Court, Eastern District of Louisiana, do hereby
17 certify that the foregoing is a true and correct transcript to
18 the best of my ability and understanding from the record of the
19 proceedings in the above-entitled and numbered matter.

20 s/Cathy Pepper

21 Cathy Pepper, CRR, RMR, CCR
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25 United States District Court
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