

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	*	MAGISTRATE JUDGE WILKINSON
	*	
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**PRE-TRIAL ORDER NO. 26**  
(Already Remediated Homes Order)

Pursuant to the Court's duty to supervise pre-trial proceedings in this case, and pursuant to the Court's inherent power, the Court hereby enters Pre-Trial Order No. 26 to address the Court's expectations, from this point forward, with respect to homes previously remediated by homeowners and which contained drywall manufactured by Knauf Plasterboard (Tianjin) Co., Ltd.

1. The Court hereby appoints Kerry J. Miller and Leonard A. Davis to be responsible for the creation and implementation of a pilot type program aimed at developing a procedure to resolve Already Remediated Homes ("the Program") under the Settlement Agreement Regarding Claims Against the Knauf Defendants in MDL No. 2047 ("the Settlement Agreement"). The Court may appoint others to serve on the Already Remediated Homes committee ("the Committee") at a later date.
2. The Court has requested that Kerry J. Miller and Leonard A. Davis, in conjunction with BrownGreer, identify candidates for the Program so that the

resolution process for already remediated homes may be refined.

3. To facilitate the identification of all potential candidates for participation in the Program, persons seeking benefits in the Program shall officially register with Brown Greer as follows:

- (a) On or before 30 days from the date of this Order, homeowners or counsel for such homeowners shall register electronically with Brown Greer by logging onto the following secured website:

<http://www2.browngreer.com/drywall/>.

- (b) After accessing the secure website, homeowners shall select the "Homeowner Already Remediated Homes Registration" link and follow the instructions to create a user name and password and register the Affected Property address. Counsel for homeowners shall log into the secure portal and select the "Already Remediated Homes Registration" link and follow the instructions to register the Affected Property address. After registering the already remediated home, homeowners or counsel for such homeowners shall follow these instructions to upload the required documents to the secure website:

- i. Select the "Upload" button to upload required documents.
- ii. Select the document type from the drop down menu.
- iii. Click "Browse" and select the document you would like to upload. Once selected, click "Upload."
- iv. Repeat steps to upload additional documents.


- v. Do not combine documents-each document type must be uploaded individually.
  - vi. Uploaded documents can be viewed by selecting the "View Documents" button.
  - vii. A list of required documents along with a checklist indicating which documents have been submitted is also provided for your reference.
- (c) If the homeowner or counsel for the homeowner does not have access to the internet, the homeowner or counsel for such homeowner shall contact Brown Greer at (804) 521-7200 or write Brown Greer at 115 S. 15th Street, Suite 400, Richmond, Virginia 23219 and ask for the Already Remediated Home Registration packet.
4. In addition to registering for the Program, homeowners shall submit on the secure web portal or, if the homeowner or counsel does not have internet access, send to Brown Greer at 115 S. 15th Street, Suite 400, Richmond, Virginia 23219, the following documents:
- (a) Interior photographs of the affected property immediately prior to the commencement of, and following completion of, the remediation, including photographs and/or video images of the flooring and major components such as cabinets, moldings, doors, intercom systems, and fixtures, and, to the extent possible, security systems, appliances and audio such as surround sound.

- i. The photographs do not need to be pictures taken specifically for the litigation. For example, family photographs or photographs taken for the purposes of refinancing a mortgage are acceptable in the absence of other photographs.
- (b) The remediation contract and an itemization from the contractor who performed the remediation work of the materials used during the remediation, including, but not limited to, manufacturer, model number, and quantity. If one does not exist, an explanation why.
- (c) An itemized invoice or billings from the contractor who performed the remediation work.
- (d) Proof of payment of the itemized invoice or billings and any other expenses, such as cancelled checks, credit card statements, etc.
- (e) A floor plan of the affected property with dimensions.
- (f) An environmental certificate.
- (g) A completed Owner Disclosure Affidavit (upload or mail to Brown Greer at the address provided in Paragraph 4 of this document after all other documents have been submitted) which Owner Disclosure Affidavit is attached as Exhibit 1 to this Order.

If the Committee determines that certain homes registered for the Program have not substantially provided the necessary documentation in order to evaluate the cost and scope of remediation to a particular property, the Committee will notify homeowners or counsel for such homeowners, and they will have 20 days to submit responsive information.

5. Documents submitted should comply with the Court's Evidence Preservation Pretrial Orders No. 1, 1B and 11, where applicable. Failure to comply with Pre-Trial Orders No. 1, 1B, and 1I, where applicable, may result in the home being dropped from the Program.
6. Failure to register and submit documentation required under paragraph nos. 3 and 4 above may result in the home being dropped from the Program.
7. In addition, Plaintiffs' Liaison Counsel and Defendants' Liaison Counsel shall submit all documentation of Already Remediated Homes in their possession on a hard drive(s) to Brown Greer.
8. This Order is procedural in nature and does not change any rights or obligations set forth in the Settlement Agreement Regarding Claims Against the Knauf Defendants in MDL 2047 ("the Settlement Agreement"). As such, disputes related to Already Remediated Homes, to the extent there are any, shall be governed by the dispute resolution procedures set forth in section IVB and IVC of Exhibit "A" to the Settlement Agreement.
9. This Order may be subject to future modification.

New Orleans, Louisiana this 29<sup>th</sup> day of March, 2012.

A handwritten signature in black ink, reading "Eldon E. Fallon". The signature is written in a cursive style with a horizontal line underneath the name.

ELDON E. FALLON  
UNITED STATES DISTRICT JUDGE

### Owner Disclosure Affidavit

Owner name: \_\_\_\_\_

Affected Property address: \_\_\_\_\_

Purchase date and price of Affected Property: \_\_\_\_\_

List the manufacturers of all drywall found in the Affected Property: \_\_\_\_\_

Move-out date: \_\_\_\_\_

Move-in date: \_\_\_\_\_

Storage expenses paid: \_\_\_\_\_

Moving expenses paid: \_\_\_\_\_

Utility expenses paid: \_\_\_\_\_

Alternative living expenses paid: \_\_\_\_\_

Total cost of construction paid: \_\_\_\_\_

Total claim: \_\_\_\_\_

General Contractor name and phone #: \_\_\_\_\_

Total amount paid to general contractor: \_\_\_\_\_

Affected Property air conditioned square footage: \_\_\_\_\_

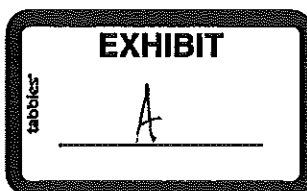
Was Owner aware of the defective drywall before purchasing the Affected Property: \_\_\_\_\_

Please describe the remediation of the Affected Property. If you removed and reused an item, please circle 'reused'. In the event that you replaced an item, with another of the same material and quality please circle 'replaced'. In the event that you replaced and upgraded an item, please note at the end of this form and leave that item blank. Circling 'replaced' indicates that you replaced the items with one of equal value.

**Kitchen cabinets:**

Reused

Replaced



**Kitchen countertop:** Reused Replaced  
 If replaced indicate material: Formica Corion Tile Granite  
**Kitchen Plumbing Fixtures: (Faucets, sink)** Reused Replaced  
**Kitchen floor:** Reused Replaced  
**Appliances:** Reused Replaced  
 If replaced, please list appliance manufacture and model: \_\_\_\_\_

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**Bathroom cabinets:** Reused Replaced  
**Bathroom tops:** Reused Replaced  
 If replaced indicate material: Formica Cultured marble Tile Granite  
**Bathroom flooring:** Reused Replaced  
**Bathroom enclosures:** Reused Replaced  
**Bathroom lighting:** Reused Replaced  
**Bathroom Accessories (towel bars, etc.):** Reused Replaced  
**Bathroom Mirrors:** Reused Replaced  
**Tub:** Reused Replaced  
 If replaced indicate master bath tub type Fiberglass Steel Jacuzzi  
**Plumbing fixtures (toilets, sinks):** Reused Replaced  
 If replaced please provide description of original manufactures: \_\_\_\_\_

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**Plumbing faucets:** Reused Replaced  
 If replaced please provide description of original manufactures: \_\_\_\_\_

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**Plumbing lines:** Reused Replaced  
 If replaced indicate material: Copper CPVC PEX

**Base boards:** Reused Replaced

**Interior doors:** Reused Replaced

If replaced indicate: Hollow core 6' 8" doors Hollow core 8' doors Solid core 8' doors

**Window wood molding:** N/A Reused Replaced

**Crown molding:** N/A Reused Replaced

If replaced please indicate original locations:

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**Chair Rail:** N/A Reused Replaced

If replaced please indicate original locations:

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**Tile flooring:** N/A Reused Replaced

If replaced please indicate locations of tile floors:

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**Marble Flooring:** N/A Reused Replaced

If replaced please indicate locations of marble floors:

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**Wood Flooring Type:** N/A Wood Pergo/float

**Wood flooring:** N/A Reused Replaced

If replaced please indicate locations of wood floors:

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**Carpet:** Reused Replaced



If replaced please provide description of original manufactures:

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If replaced please indicate locations of carpet:

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<b>HVAC replacement:</b>	Ducts	Coils	Air handler(interior)	Condenser(exterior)
<b>HVAC manufacturer:</b>	_____			
<b>Insulation:</b>			Reused	Replaced
<b>Electrical fixtures:</b>			Reused	Replaced
<b>Electrical wiring:</b>			Reused	Replaced
<b>Electrical fans:</b>			Reused	Replaced

If replaced please indicate how many and which rooms:

<b>Stair rails:</b>		N/A	Reused	Replaced
<b>Window sills:</b>			Reused	Replaced
<b>If replaced indicate original material:</b>		Wood	Marble	Drywall
<b>Alarm system:</b>		N/A	Reused	Replaced
<b>Fire suppression system:</b>		N/A	Reused	Replaced
<b>Intercom:</b>		N/A	Reused	Replaced
<b>Surround sound:</b>		N/A	Reused	Replaced
<b>Wall papers:</b>		N/A		Replaced
<b>Interior paint:</b>			Total colors used: _____	

Additional construction related items replaced:

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Personal items replaced:

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Items that were upgraded and deducted from construction replacement cost:

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The following items should have been produced given the nature of the remediation project and will help us confirm the remediation costs associated with your property. Please provide the additional supporting documents listed below:

1. Photographs and/or video images of all drywall removed from the Affected Property during remediation. If your claims are pending in *In re: Chinese Manufactured Drywall Products Liability Litigation*, MDL No. 2047, where available, such submission shall be in the form required by MDL Pretrial Order 1B. If your claims are pending in state court, such submission shall comply with the state court's rules regarding the preservation of evidence.
2. Any evidence of KPT Chinese Drywall or Non-KPT Chinese Drywall in the Affected Property prior to remediation.
3. Proof of corrosion or other evidence that the KPT Chinese Drywall was reactive.
4. Interior photographs of the Affected Property immediately prior to the commencement of, and following completion of, the remediation, including photographs and/or video images of the flooring and major components such as cabinets, moldings, doors, intercom systems, and fixtures for every room and bathroom, and, to the extent possible, security systems, appliances and audio such as surround sound.
  - a. The photographs do not need to be pictures taken specifically for the litigation. For example, family photographs or photographs taken for purposes of refinancing a mortgage are acceptable in the absence of other photographs.
5. The remediation contract and an itemization from the contractor who performed the remediation work of the materials used during the remediation, including, but not limited to, manufacturer, model number, and quantity.
6. An itemized invoice from the contractor who performed the remediation work ("Itemized Invoice").
7. Proof of payment of the Itemized Invoice and any other expenses, such as cancelled checks, credit card statements, etc.
8. A floor plan of the Affected Property with dimensions.

9. An Environmental Certificate.

Please note that this is not a comprehensive list or final request and the Knauf Defendants may request additional documentation such as cancelled checks, receipts or photographs in the future.

I declare under penalty of perjury under the laws of the United States that all of the information provided in this Owner Disclosure Affidavit is true and correct to the best of my knowledge, information and belief. I further declare that I have supplied all the documents requested in this Owner Disclosure Affidavit, to the extent that such documents are in my possession or in the possession of my lawyers. Further, I acknowledge that I have an obligation to supplement the above responses if I learn that they are in some material respects incomplete or incorrect.

Date: \_\_\_\_\_

Homeowner Signature: \_\_\_\_\_

Subscribed and sworn to before me on

\_\_\_\_\_  
Notary Public

My commission expires on

Date: \_\_\_\_\_

Contractor Signature: \_\_\_\_\_

Subscribed and sworn to before me on

\_\_\_\_\_  
Notary Public

My commission expires on