UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

IN RE: CHINESE-MANUFACTURED DRYWALL PRODUCTS LIABILITY LITIGATION	MDL NO. 2047 SECTION: L
This Document Relates to: All Cases	JUDGE FALLON MAG. JUDGE WILKINSON

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THIS DOCUMENT RELATES TO ALL CASES

PRETRIAL ORDER #13

Before the Court is a multitude of claims filed by Plaintiff property owners alleging damages caused by Chinese-manufactured drywall. The Court hereby institutes a Threshold Inspection Program (herein "TIP") to accomplish early property inspections and facilitate prompt and efficient case management. The Threshold Inspection Program will be run under the supervision of the Court. The Court anticipates that the initial inspections to be performed under this TIP may help to further define and clarify the necessary and appropriate parameters of the TIP and the inspection protocol.

Specifically, the Court wants to ensure that the TIP process is carried out in a way that creates as little disturbance to the homeowner and destruction to the premises as possible under the circumstances. Therefore, the Court hereby orders that the Plaintiffs' and Defendants' Steering Committees shall meet and confer immediately in order to identify no more than thirty (30) Initial Cases to serve as the preliminary TIP group. The thirty (30) initial cases will come from fifteen (15) Florida cases, eight (8) Louisiana

cases, and seven (7) cases from other states. The preliminary TIP group will help the Court determine the following:

1. Whether this protocol is reasonably calculated to accomplish the goals of the Court so as to serve as the basis for inspection of all cases filed before the Court;

2. Whether this protocol is reasonable as to scope of information to be gathered, and not overly intrusive or destructive to the homeowners and their property; and

3. Whether the Court-appointed Inspectors are able to accomplish the inspections in a competent and economical manner.

For the purposes of the TIP, each counsel for plaintiff will complete a form attached hereto as Appendix "A," that will identify the counsel's name, each plaintiff's name, the affected address, and case or civil action number that will be sent to the Court-approved inspector. The Court-approved inspector shall compile a list of such addresses and make it available to counsel and the Court on a regular basis.

A. Objectives Of The TIP.

1. Examine plaintiff property for the presence and extent of Chinese-manufactured drywall.

2. To the extent possible, identify, document, and preserve available markings in order to ascertain the manufacturers, suppliers, installers, and/or contractors of the drywall in the property.

3. Examine the property to determine the alleged impacts of the drywall, if any, on other aspects of the property including, but not limited to, wiring, HVAC, plumbing, and related fixtures and appliances. The Threshold Inspection is not an

exhaustive property inspection. The Threshold Inspection is not intended to address health effects associated with allegedly defective drywall, quantify property damages, or serve as a basis to preserve all relevant evidence prior to a repair or renovation. Those issues will be the subject of subsequent discovery (and testing); and will be addressed in subsequent Pretrial Orders. The findings of the inspection conducted on an individual property pursuant to the TIP are applicable to that property only and are determinative for the limited purpose of the TIP and not for trial.

4. Collect physical samples of drywall, including unidentified or unmarked drywall, found in the property in order to characterize the board. Samples of drywall whose manufacturer is identified during this inspection will be identified as detailed below.

B. Court-Approved Inspector.

The Court has determined that Crawford & Company will carry out the inspections. The findings made by the Court-approved inspectors pursuant to this protocol are determinative for the TIP only.

C. Attendance And Conduct At Inspections.

While attorneys and consultants may attend the court ordered inspections, only the Court-approved inspectors may inspect and sample pursuant to this protocol. Additionally, inspection attendees who are not Court-approved inspectors will not interfere with, disrupt or delay the inspection process. However, they may elect to videotape the inspection process at their cost.

D. Threshold Inspection Form.

The Threshold Inspection Form (also referred to as "TIF") must be completed, databased and imaged by the Inspector, and made available to the PSC, DSC and the property owner's lawyer within five days from the date of inspection. The Threshold Inspection Form is attached as Appendix B ("Threshold Inspection Form").

E. Data To Be Obtained In The Threshold Inspection.

1. Identification of damage potentially caused by drywall.

Digital photographs of each of the items and/or locations inspected and described in Sections E.1.b. through E.1.j., should be taken.

a. Observations of any apparent odors.

i. Presence of sulfur-like odor in the premises, as documented by the Inspector on the walk-thru of the inspection and/or by report of the premises' occupant(s) to the Inspector (based on occupants' prior experiences living in the premises) shall be noted on the TIF.

ii. Presence of any strong odor (e.g., air freshener) that could be serving to mask wallboard odor or act as another odor source should be noted on the TIF.

b. Observations of HVAC system.

Removal of service panel and visual inspection of the heat exchange coil in each Air Handler Unit and documentation and description of any discoloration and any residue on copper surfaces. Separate notations on the TIF should be made for 1)

copper U-bends of the coil, 2) straight copper tubing around the coil.

c. Observation of electrical system.

Removal of service panel and visual inspection of the electro-mechanical portion of the Air Handler Unit and documentation and description of any discoloration on wires or connections.

d. Observation of circuit breaker panels.

Removal of service cover and visual inspection of circuit breaker panels, following relevant local requirements with regard to safety, and documentation and description of discoloration of any residue on copper surfaces.

e. Observation of appliances.

Removal of cover or grating over compressor area of refrigerator(s) or other similar refrigerated appliances and visual inspection of the copper tubing on/around the compressor and the heat exchange coil and documentation and description of discoloration of any residue on copper surfaces.

f. Observations of plumbing fixtures.

Visual inspection of all exposed plumbing connections (e.g., kitchen sinks, dishwater connections, bathroom fixtures, hot water heater) and documentation and description of discoloration of any residue on copper surfaces.

g. Observations of bathroom fixtures.

Visual inspections of mirrors on medicine cabinets or affixed to walls for darkened, non-reflective areas and documentation and description of discoloration of any residue on copper or other surfaces.

h. Observations of light fixtures.

Visual inspections of chrome-finish light fixtures, and plumbing fixtures in bathrooms and documentation and description of discoloration of any residue on surfaces.

i. Observation of other fixtures and metallic hardware.

Visual inspections of other fixtures and metallic hardware and documentation and description of discoloration of any residue on surfaces.

j. Observations of electrical receptacles.

Visual inspection of electrical receptacles and switches around the home and documentation and description of any discoloration and residue on the following copper surfaces:

i. Exposed ground wires [Note: in ground conductors are insulated with only a stripped end, this should be documented]; and

ii. Stripped ends of current-carrying conductors and the screws or terminals where they are connected.

[NOTE: Circuit breakers should be turned off and devices confirmed to be de-energized if they are to be removed from utility boxes.].

The localization of apparent effects on electrical wiring throughout the house should be mapped as follows:

- Receptacles or switches should be inspected on every wall.
- Where switches are located nearly above receptacles, only one need be inspected.
- For walls long enough to have multiple receptacles, at least one should generally be inspected.

Description of discoloration of wiring at each location should be noted and mapped on a floor plan or sketched layout of rooms in the home.

2. Means of Drywall Identification.

The following are methods of identifying the presence and identity of Chinese-manufactured drywall with respect to the TIP only:

a. By reference to documents that the parties may exchange and can agree establish the identify of the manufacturer of Chinese-manufactured drywall located in the home. If the identity of the drywall manufacturer(s) is not in dispute because the parties have agreed as provided in this paragraph, the inspection shall go forward but will be limited to physical inspection aimed at documenting the approximate amount of the subject drywall in the home and the apparent effects of the drywall in the premises as provided herein; and obtaining at least one sample from each distinctly identified piece of drywall in the home; or

b. Through the inspectors identifying and documenting by use of digital color photography and/or inspections, as provided hereinbelow, specific names or markings located on drywall found in the home.

3. Process For Documenting Of Drywall Manufacturers Through Digital Photography And/Or Sampling Pursuant To 2(B) Above.

This section describes the procedures for determining the number of drywall sheets (and inspection points) pursuant to the TIP, selecting sampling locations, and performing the inspections designed to identify the manufacturer(s) of the drywall in the selected property through digital photography. The design and methodology described in this section of the Protocol are based on the following assumptions:

a. The parties have been unable to verify or confirm the identity of drywall manufacturers by reference to documents as contemplated in section 2(A) above.

b. Randomized and targeted inspection of a proportion of the drywall sheets in a given property may provide at this stage identification of one or more of the manufacturers of drywall sheets in the property.

c. The manufacturers of drywall in any given property will be characterized by examining sheets installed both on interior walls and/or ceilings, i.e., walls or ceilings that can be accessed using the optical scope methodology described herein and/or observed directly (e.g., attic examination), and exterior walls, which may require more invasive cutting techniques.

d. Full sheets of drywall will be examined. It is not necessary to examine locations such as closets or other confined spaces where partial sheets are predominantly used.

4. Determination of the number of drywall sheets for inspection.

a. Inspections of five (5) drywall sheets will be conducted on walls where the most significant impacts on wiring were observed during the visual inspection described in Section E.1. If the five (5) drywall sheets identified in this targeted process are also identified by the random selection process in 4.b., then the drywall sheets will count toward both and reduce the total number of sheets inspected in the house.

b. A total of thirty (30) randomly selected drywall sheets will be examined during this inspection.

5. Determination of sampling locations.

a. Selecting Walls and Ceilings to Be Sampled.

i. Using the floor plan for the property previously supplied by representatives of the owner or builder or drawn by the inspector where the floor plan is not available, sequentially number the upper and lower half of each wall in the property, and the ceiling in each room, starting with the first room on the first floor with “wall 1” and then proceeding to other rooms, floors or levels. For each wall, the lower half of the wall will be given the lower of the two

consecutive numbers assigned to that wall. For example, the first wall in the first room numbered will be assigned numbers 1 and 2, with the number “1” designating the lower half of the wall, and “2” designating the upper half of the wall. The second wall numbered in that room will be assigned numbers 3 and 4, and so on. A similar numbering method will be applied to the ceiling in each room, with the exception that the lowest of the two numbers assigned to the ceiling will be for the “back” half of the ceiling, meaning the section closest to the back door, and the higher of the two numbers assigned to the “front” half of the ceiling, meaning the section closest to the front door.

In the example of the first room numbered above, a room with four walls would have numbers 1 – 8 assigned to the walls, and numbers 9 and 10 assigned to the ceiling. Continue numbering in the other rooms of the property until all walls and ceilings in each room are assigned numbers. Do not include walls or ceilings with wall lengths less than 8 feet in length, such as confined spaces, closets with lengths less than 8 feet, small entryways, etc., where it is likely that the wall or ceiling was constructed exclusively or predominantly with partial sheets of drywall. Do not include walls or ceilings in bathrooms or “wet”

areas. Do not include ceiling spaces between floors (i.e., the only ceilings that will be numbered and inspected are those with accessible attic spaces above them). Record the numbers assigned to each wall and ceiling directly on the floor plan. If a floor plan has not been previously supplied, the inspector's initial task will be to prepare a hand-drawn floor plan of the house. The plan need not be to scale, but should be prepared in a manner that can be easily understood and evaluated by anyone reviewing the records of the investigation.

ii. After the walls/ceilings are assigned unique numbers, use a random number generator (set to generate random numbers between 1 and the total number of walls/ceilings selected in the property) to select the first 35 walls/ceilings for sampling. (*See* Appendix C for example of random number generation.) A total of 35 walls will be selected to account for the potential that some selected locations may, for various reasons, be unavailable or inaccessible for inspection. Indicate the first 30 walls selected for sampling by circling the wall numbers on the floor plan. For the 31st through 35th walls/ceilings, place a square or triangle around the wall number to indicate that these locations will serve as alternates, if needed. If the property has less than

30 walls/ceilings numbered in this manner, every wall (upper and lower half) and ceiling ("front" and "back" side) in the property will be inspected.

iii. Then the inspector should identify five (5) sections of walls that appear to be the most impacted based on the inspection conducted in Section E.1. To the extent, those sections have been previously identified by the random process above, they will be inspected accordingly. If they have not been selected, assign them letters A through E, as necessary.

iv. See Appendix D for an illustration of a property floor plan that has been numbered, with the selected walls circled for sampling.

6. Selecting Inspection Points on Each Selected Wall or Ceiling.

Option A. In keeping with the Court's desire to cause as little disruption and destruction to the plaintiff's home, the inspectors should endeavor to first attempt to use existing wall penetrations, such as light switch openings, electrical outlets, medicine cabinets, electrical breaker panels, canned-light openings, ceiling fan penetrations, or other wall openings to insert a flexible borescope in order to image the back side of drywall for purposes of visualizing printed markings or words on such sheets that were randomly selected or targeted pursuant to Sections 4a., 4b. and 5.a. If such drywall sheet can be accessed and imaged in this way, and such markings visualized and photographed,

inspectors should take this less invasive measure before resorting to the more invasive measures outlined below in Option B.

Option B. Only upon determining that accessing and imaging drywall through existing penetrations, as set forth in Option A, is impossible should inspectors proceed as follows:

1. Beginning with the lowest wall or ceiling number selected for inspection, identify the sampling location on each wall or ceiling by proceeding sequentially with the following inspection locations. The "left" and "right" locations are the sides of the wall indicated when facing the wall from your location. For ceilings, assume the front door of the property is the "front" to determine which half of the wall is front and which half is back. The designation of "left" or "right" will be based the side indicating when standing at the main entry door of the room and looking towards the "front" side of the room.

Left half
Right half
Repeat Order

2. Record on the floor plan the selected inspection locations by writing the location directly beneath the wall/ceiling numbers for each selected wall or ceiling. This includes noting any of the targeted locations, A through E.

3. Prior to beginning actual wall inspections, properly identify and mark all inspection locations on walls or ceilings in the property.

4. See Appendix D for diagrams of potential wall/ceiling sample locations.

7. Drywall Inspection Procedures.

Option A. In keeping with the Court's desire to cause as little disruption and destruction to the plaintiff's home, the inspectors should endeavor to first attempt to use existing wall penetrations, such as light switch openings, electrical outlets, medicine cabinets, electrical breaker panels, canned-light openings, ceiling fan penetrations, or other wall openings to insert a flexible borescope in order to image the back side of drywall for purposes of visualizing printed markings or words on such sheets, that were randomly selected or targeted pursuant to Sections 4.a., 4.b. or 5.a. If such drywall can be accessed and imaged in this way, and such markings visualized and photographed, inspectors should take this less invasive measure before resorting to the more invasive measures outlined below in Option B.

Option B. Only after determining that proceeding under Option A is impossible should inspectors resort to this more invasive, destructive, expensive means of accessing and imaging drywall. With respect to the specific dimensions of holes to be drilled, punched, or cut, as described herein below, the court-appointed inspectors are to use their best professional judgment, where applicable, to make on-site decisions concerning what size holes are necessary and appropriate to the given task at hand, whether in reference to holes made for insertion of scopes or with respect to larger holes to be made for purposes of identifying markings and/or obtaining samples of drywall to be removed from the

home. In such instances, the inspector should give due consideration to the location within the home of such inspection points, being mindful both of the degree of damage caused to the wall and the ease, expense, and practicality of any necessary patch or repair at such inspection point. However, the samples taken shall be at least 12" vertically and 6" horizontally. After identifying the walls and wall inspection locations in the property, go to the first sampling location and proceed as follows:

1. Interior Wall Locations.

    a. Starting at the left or right side of the wall, measure approximately (8) inches from the side and (40) inches from the floor for a lower sheet, or 8 inches from the ceiling for an upper sheet. Mark this location.

    b. Drill or punch an appropriate sized hole to facilitate the insertion of the scope probe and observe the opposite side of the wall cavity to determine the presence of any labels or identifying markings. Inspect the full width of a full drywall sheet in that wall cavity. For walls that are higher than 8 feet, this may require identifying the horizontal joint between a partial sheet and the first full sheet placed from the floor or ceiling and examining the full sheet width above or below the joint.

    c. If any identifiable markings are found this concludes the sampling for this sheet at this time. Identify the location of the markings on a floor plan. Photograph the marking and

record the observation on the field sampling form. Proceed to the next selected wall or ceiling.

d. If no identifiable marks are observed, measure over approximately (32) inches from the original mark and repeat step (ii).

e. If an identifiable mark is found, refer back to step E.7.a.iii.

f. If no identifiable marks are observed refer back to step E.7.a.iv. until an identifiable mark is located, or you reach 12 feet from the wall, whichever comes first.

g. If no identifiable marks are found or the manufacturer cannot be identified, it will be assumed that the sheet is unmarked and/or unidentifiable. Obtain a sample of the unidentified drywall to the extent required in E.8. Assuming the inspector finds no obvious differences in drywall sheets determined to be unmarked or unidentifiable, the inspector should collect a sample from only one such unidentifiable or unmarked sheet, and not multiple samples from different unmarked sheets.

h. Repeat this process until the selected number of drywall sheets have been inspected.

i. After sampling is concluded, cleanup any debris, and plug the holes made during the inspection.

2. Exterior Wall or Insulation Locations.

Proceed with steps (i) and (ii) of the Interior Wall Location sampling described above. If the borescope can be used in an exterior or insulated wall, proceed as indicated above for Interior Walls. If the borescope cannot be used on an exterior or insulated proceed as indicated below:

a. Starting at either the left or right side of the wall as indicated on the field form, measure (8) inches horizontally from the wall and (48) inches vertically from the floor and mark this location.

b. Cut a (6) inch by (6) inch hole centered at the mark to establish the location of the seam between boards. This seam will be used as the reference for all vertical measurements. (*See* Appendix D for illustration of Sample locations.)

For Lower Walls:

i. Using the seam as the top measurement and the left or right wall as the horizontal reference, cut a (6) inch horizontal by (12) inch vertical rectangle out of the drywall at the locations indicated below. Start at Location #1 and stop when a manufacturer's label is found.

Location #1: Cut a hole centered (24) inches down from the seam and (72) inches over from the wall.

Location #2: Cut a hole with the top edge (0) inches down from the seam and (8) inches over from the wall.

Location #3: Cut a hole with the bottom edge (48) inches down from the seam and (8) inches over from the wall. If a baseboard is installed, start the cut (1) inch above the baseboard.

Location #4: Cut a hole centered (24) inches down from the seam and (8) inches over from the wall.

ii. If any identifiable markings are found this concludes the sampling for this sheet. Identify the manufacturer of the markings on the field form. Photograph the markings and record the observation on the field sampling form. Proceed to the next selected wall or ceiling.

iii. If no identifiable marks are found it will be assumed that the sheet is unmarked and unidentifiable. Obtain a sample of the unidentified drywall as described below and as outlined in Appendix D.

iv. Repeat this process until the selected number of drywall sheets have been inspected.

v. After sampling is concluded, cleanup any debris, and plug the holes made during the inspection.

For Upper Walls:

vi. Measure (48) inches up from the top of the bottom sheet and cut a (6) inch by (6) inch hole centered at this location.

vii. If a seam is found, this establishes that the filler board, if present, is at the ceiling. Use the top seam of the upper board and follow the procedure below (starting at step v.) to sample the top sheet.

viii. If a seam is not found, this indicates that the filler piece is between the top and bottom sheets. Use the ceiling as the top measurement reference and follow the procedure below to sample the top sheet. [Note: If crown molding is installed at the ceiling, make all measurements from the ceiling, not from the bottom of the crown molding.]

ix. Using the seam as the top measurement and the left or right wall as the horizontal reference, cut a (6) inch horizontal by (12) inch vertical rectangle out of the drywall at the locations indicated below. Start at Location #1 and stop when a manufacturer's label is found.

Location #1: Cut a hole centered (24) inches down from the seam and (72) inches over from the wall.

Location #2: Cut a hole with the top edge (0) inches down from the seam and (8) inches over from the wall.

Location #3: Cut a hole with the bottom edge (48) inches down from the seam and (8) inches over from the wall.

Location #4: Cut a hole centered (24) inches down from the seam and (8) inches over from the wall.

x. If any identifiable markings are found this concludes the sampling for this sheet. Identify the manufacturer of the markings on the field form. Photograph the markings and record the observation on the field sampling form. Proceed to the next selected wall or ceiling.

xi. If no identifiable marks are found it will be assumed that the sheet is unmarked and unidentifiable. Obtain a sample of the unidentified drywall as described below in Section 8.

xii. Repeat this process until the selected number of drywall sheets have been inspected.

xiii. After sampling is concluded, cleanup any debris, and plug the holes made during the inspection.

3. Ceilings Locations.

a. Insert a probe through the selected drywall sheet into the attic space above the sheet.

b. Enter the attic space and remove the insulation covering the identified sheet only and fully inspect the entire sheet for the manufacturer's label. If the label is identified, photograph and record the results of the inspection. Return the insulation to its original location.

c. If no identifiable marks are found or the manufacturer cannot be identified, it will be assumed that the sheet is unmarked and/or unidentifiable. Obtain a sample of the unidentified drywall to the extent required in Section 8.

8. Collection of drywall samples.

a. Inspectors should review their notes and photos, whether Option A, Option B, or a combination is utilized, and identify drywall sheets with distinct manufacturers, brands or markings. Inspectors should collect one sample, as described below, from each sheet identifying a distinct manufacturer, brand, marking, as well as sheets that are unmarked and/or unidentifiable. The inspector need only collect a single sample from any sheet found to identify a specific, distinct manufacturer, brand or marking, from each household, unless the marking or brand is written or printed in some distinct or different way from other sheets identifying such manufacturer. In other words, this paragraph should not be

construed to require the inspector to obtain samples from multiple sheets of drywall marked in an identical fashion with the same manufacturer or the same phrase or marking, e.g., "MADE IN CHINA," (in the same ink, font, and format) in different locations throughout the home. In such instances, the inspector should collect only one such sample of identically-marked sheets of drywall. The inspector must be assured that the markings are exact duplicates. Just because a marking shares a similar word or ink, it does not mean it is the same manufacturer. The locations of the samples should be marked on the floor plan. It is important to follow good labeling and chain of custody practices in order to maintain sample integrity from the time of collection through the final analysis and reporting.

b. Each sample will consist of a 6” x 12” section of drywall from the identified sheet. If the probe method of inspection was used, cut a section of drywall from the sheet immediately below the initial inspection probe hole in the unidentified sheet, ensuring that the sample does not hit a joint between two sheets of drywall. If the drywall removal method of inspection was used, gather the first sample cut from the unidentified sheet as the sample, unless another sample contains the marking or brand. To the extent possible, samples should include the marking or brand. Follow the steps below to prepare the sample for shipment and analysis.

c. Break the sample into 2 pieces, each approximately 6” x 6” square. Place the sample in an appropriate container and seal the container.

d. Using a permanent marker, write the sample ID on the outside of the container. Ensure that the marker will not smudge or fade if exposed to moisture.

e. The sample ID is composed of the address ID, sample date, and sample location following the pattern AAAAA-YYYYMMDD-LL.

   i. AAAAA is the 5 digit address ID for the residence being sampled.

   ii. YYYYMMDD is the date where YYYY is the 4 digit year, MM is the 2 digit month, and DD is the 2 digit day.

   iii. LL is the 2 digit location identifier from the field form identifying the inspection / sampling location.

   iv. Example: If the date is August 3rd, 2009 and the random number generator indicated that the 17th location in the house with address ID 12345 was to be inspected, and the inspection revealed that a sample was required, the sample ID would be 12345-20090803-17.

f. Photograph the sample inside the container with the sample ID visible. Record the photo number on the Phase II Field Form.

g. At the end of the inspection, gather all of the samples for shipment. Using the field form filled out throughout the day, count the

number of samples that the field form indicates should have been collected and ensure that this matches the samples to be shipped.

h. Securely pack the samples in an appropriate shipping container. Complete one chain of custody for each address. Ship the samples to a location determined and maintained by Crawford & Company using a copy of the Chain of Custody (COC) form provided in Appendix E.

F. Record Keeping.

1. Each inspection team will be provided with a batch of addresses to inspect. To the extent possible, these batches will be arranged geographically to allow for efficient movement between addresses. Each batch will be assigned a batch ID. This ID will be marked on the field forms and will provide a means of tracking task and data completeness throughout the process. Appendix B provides a blank field form. Using the blank form in Appendix B, fill in the appropriate information to document the inspection process and any required samples. Ensure that the form is filled out completely, leaving no sections blank.

2. At the end of each day of inspection, inspection teams will bulk-upload the photos, scanned copies of the field forms, and COCs to the data repository. (These uploads will be transferred to a plaintiff and defense accessible web database.) The documents will be uploaded into a folder identified by the batch ID with subfolders identified by address ID. The following naming conventions will be used to identify the various documents to be uploaded.

a. Field Forms – All field forms for a residence will be scanned to a single PDF document and named "XXXXX-Field Forms.pdf", where XXXXX is the address ID.

b. Chains of Custody – The COC for a residence will be scanned to a single PDF document and named "XXXXX-COC.pdf", where XXXXX is the address ID.

c. Photos – The photos will be placed in a folder named "Photos" in the address folder and the photos will be uploaded ensuring that the photo filename from the camera is maintained throughout the export process, and that the photos are in JPG format. The numeric portion of the photo filename should match the "Photo Number" on the field form. Example: For Sony brand cameras, the filename for photo number 345 should be something similar to DSCN00345.JPG.

G. Previously Conducted Inspections.

If a Plaintiff or Defendant has hired an Inspector who has carried out an inspection of a particular premises prior to the date of this Order that the Plaintiff or Defendant who conducted the inspection and believes the inspection meets the standards set forth in Sections 3 and 4 herein; such Plaintiff's or Defendant's Inspector may complete the Threshold Inspection Form, attach the relevant documentation of the previously conducted inspection and submit the completed Threshold Inspection Form to Liaison Counsel. Liaison Counsel will forward the forms and supporting documentation to the Plaintiffs Steering Committee ("PSC") and Defense Steering Committee ("DSC"),

which will review the Threshold Inspection Form to determine if the previously conducted inspection and Threshold Inspection Form is adequate for Pretrial Order #__ purposes. If not, a Threshold Inspection pursuant to Pretrial Order #__ will be required.

H. Certified Laboratory.

PSC and DSC will agree on the selection of one or more Certified Laboratories to store all samples taken during the Threshold Inspection Program. Inspectors will provide all samples, with chain of custody, to one of the Certified Laboratories. Any Party may seek leave of the Court to request that any sample(s) taken during the Threshold Inspection be analyzed. Any destructive sampling of drywall must be accomplished in a manner that leaves a sufficient amount of the drywall sample for further testing, unless the PSC and DSC agree with the suggested sampling and results are provided to all Parties. The laboratory analytical methods to be used for the samples will be determined by the Plaintiffs Steering Committee and Defense Steering Committee in cooperation with the Certified Laboratories, and order of the Court. The cost of laboratory analysis of a sample(s) will be borne by the Party requesting it; if multiple Parties request laboratory analysis of a sample(s), the cost will be shared on a *pro rata* basis.

I. Case Selection And Costs Of The TIP.

Plaintiffs will advance the actual costs of the thirty (30) initial inspections pursuant to the TIP. After manufacturers, suppliers, contractors, builders or other defendants are identified pursuant to the TIP, the Plaintiff's Profile Form and the Defendants' Profile Forms, Plaintiffs will apply for reimbursement of the costs of the TIP initial thirty (30) inspections. Funding and reimbursement issues relating to inspections

beyond the initial thirty (30) inspections will be determined by the parties or the Court in a subsequent Pre-Trial Order.

Thus done and signed this 27th day of August, 2009.

Eldon E. Fallon
United States District Judge

APPENDICES

A. **Appendix A – Plaintiffs' Identification Table**

B. **Appendix B – Threshold Inspection Forms**

C. **Appendix C – Random Number Generation**

D. **Appendix D – Sample Collection and Identification Tracking**

E. **Appendix E – Chain of Custody Forms**

APPENDIX A

PLAINTIFFS' IDENTIFICATION TABLE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

IN RE: CHINESE-MANUFACTURED DRYWALL PRODUCTS LIABILITY LITIGATION	*	MDL NO. 2047 SECTION: L
THIS DOCUMENT APPLIES TO: CIVIL ACTION NO. _____	*	JUDGE FALLON
	*	MAG. JUDGE WILKINSON

SECTION I – CONTACT ATTORNEY INFORMATION	
Attorney Name:	
Attorney Address:	
Attorney Phone:	Attorney Cell Phone:
Attorney Email Address:	

SECTION II - OWNER INFORMATION
Plaintiff Name(s):
Affected Address:

APPENDIX B

TIP INSPECTION FORMS

VISUAL INSPECTION FORM PURSUANT TO SECTION E.1 OF THE TIP

GENERAL PROPERTY INFORMATION		
Address:		Front of House Photo #:
Address ID:	Sampler Name/Company:	Camera serial:
Visit Date:	Sampler Name/Company:	Photo Range:

ODOR OBSERVATIONS	
Odor Present ☐	Description of Odor:

HVAC/PLUMBING/LIGHT FIXTURE REPLACEMENT HISTORY	
HVAC	
Plumbing	
Light Fixtures	

DISCOLORATION INSPECTION (COPPER CONTAINING) CHECK ALL THAT APPLY						
Part	**Copper U-bend**	**Straight copper tubing**	**Discoloration (Y/N)**	**Describe discoloration**	**Color**	**Photo Number(s)**
Heat exchange coil of HVAC						
Electro-mechanical portion of HVAC						
Circuit Breaker						
Refrigerator coils						
Plumbing Connections (sinks, dishwasher connections, bathroom fixtures, hot water heater)						

OTHER DISCOLORATION INSPECTIONS			
Medicine Cabinets/Mirrors affixed to walls	Discoloration/Residue? (do not include areas where routine hand contact occurs) **Y/N**	Describe, discoloration, color and location:	Photo Number(s):
Bathroom Light Fixtures and Plumbing (chrome finished)	Discoloration/Residue? **Y/N**	Describe discoloration, color and location:	Photo Number(s):
Other metallic fixtures or hardware	Discoloration/Residue? **Y/N**	Describe discoloration, color and location:	Photo Number(s):
Electrical Receptacles and Switches	Discoloration/Residue? **Y/N**	Describe discoloration, color and location:	Photo Number(s):

[USE ADDITIONAL PAGES AS NECESSARY]

ADDITIONAL PAGES FOR DISCOLORATION INSPECTIONS

Item Inspected:	Discoloration/Residue? **Y/N**	Describe, discoloration, color and location:	Photo Number(s):
Item Inspected:	Discoloration/Residue? **Y/N**	Describe discoloration, color and location:	Photo Number(s):
Item Inspected:	Discoloration/Residue? **Y/N**	Describe discoloration, color and location:	Photo Number(s):
Item Inspected:	Discoloration/Residue? **Y/N**	Describe, discoloration, color and location:	Photo Number(s):
Item Inspected:	Discoloration/Residue? **Y/N**	Describe discoloration, color and location:	Photo Number(s):
Item Inspected:	Discoloration/Residue? **Y/N**	Describe discoloration, color and location:	Photo Number(s):
Item Inspected:	Discoloration/Residue? **Y/N**	Describe discoloration, color and location:	Photo Number(s):
Item Inspected:	Discoloration/Residue? **Y/N**	Describe, discoloration, color and location:	Photo Number(s):
Item Inspected:	Discoloration/Residue? **Y/N**	Describe discoloration, color and location:	Photo Number(s):
Item Inspected:	Discoloration/Residue? **Y/N**	Describe discoloration, color and location:	Photo Number(s):
Item Inspected:	Discoloration/Residue? **Y/N**	Describe discoloration, color and location:	Photo Number(s):
Item Inspected:	Discoloration/Residue? **Y/N**	Describe, discoloration, color and location:	Photo Number(s):
Item Inspected:	Discoloration/Residue? **Y/N**	Describe discoloration, color and location:	Photo Number(s):
Item Inspected:	Discoloration/Residue? **Y/N**	Describe discoloration, color and location:	Photo Number(s):
Item Inspected:	Discoloration/Residue? **Y/N**	Describe discoloration, color and location:	Photo Number(s):

FIELD FORM FOR DRYWALL INSPECTION
PURSUANT TO SECTION E.7 OF THE TIP

Batch Number:	Address:
Address ID:	Visit Date:
Sampler Name/Company:	Camera Serial:
Sampler Name/Company:	Probe Serial:

		PROBE Markings found? (Y/N/--)					**CUT** Markings found? (Y/N/--)							
Sample Location (Random Number)	Side to Sample	8"	40"	72"	104"	136"	First Column of Cuts	Second Column of Cuts	Third Column of Cuts	Fourth Column of Cuts	Fifth Column of Cuts	Sample Required?	Manufacturer (If no sample required, write in manufacturer name. If unidentifiable manufacturer, write "NA".)	Camera Generated Photo Number (Number that will be in the filename.)
1	Left													
4	Right													
6	Left													
7	Right													
14	Left													
15	Right													
36	Left													
39	Right													
40	Left													
51	Right													
60	Left													
67	Right													
68	Left													
69	Right													
70	Left													
73	Right													
76	Left													
79	Right													
81	Left													
93	Right													
95	Left													
96	Right													
99	Left													
102	Right													
107	Left													
112	Right													
114	Left													
117	Right													

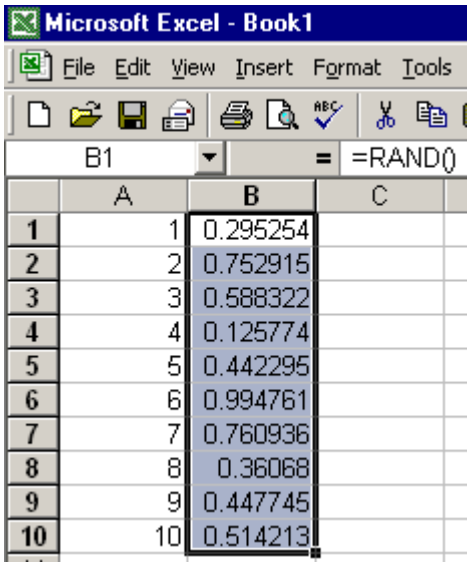
120	Left													
128	Right													
129	Left													
133	Right													
138	Left													
143	Right													
149	Left													

APPENDIX C

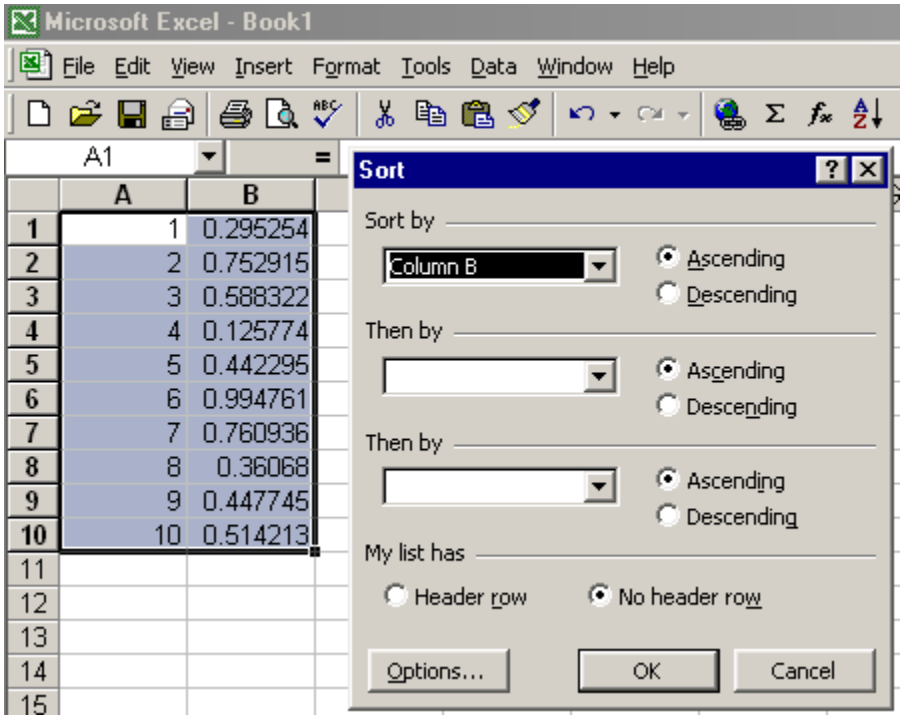
GENERATING RANDOM NUMBERS FOR INSPECTIONS.

This instruction set assumes that the user is using a computer with Microsoft Office Excel installed.

1. Determine the number of walls/ceilings from the floorplan. This number becomes the number "N" below.
2. Open Microsoft Excel.
3. Make a list of all possible values, 1 through N, in column A.
4. Make a parallel list of random numbers using the RAND function in Excel. Accomplish this by typing "=RAND()" in the cells in column B. You should end up with something similar to the screenshot below.

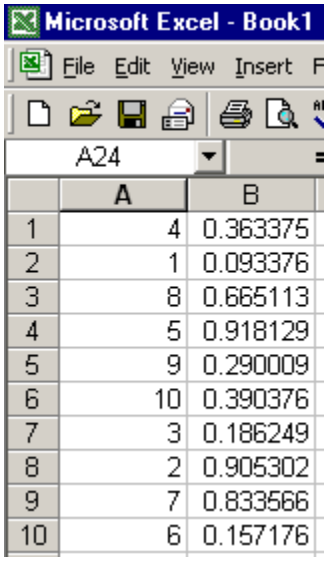


5. Sort on the RAND functions in column B.



	A	B
1	1	0.295254
2	2	0.752915
3	3	0.588322
4	4	0.125774
5	5	0.442295
6	6	0.994761
7	7	0.760936
8	8	0.36068
9	9	0.447745
10	10	0.514213
11		
12		
13		
14		
15		

6. Transfer the first 35 values of column A to the field form to be used as the randomly selected inspection locations.



	A	B
1	4	0.363375
2	1	0.093376
3	8	0.665113
4	5	0.918129
5	9	0.290009
6	10	0.390376
7	3	0.186249
8	2	0.905302
9	7	0.833566
10	6	0.157176

APPENDIX D

SAMPLE LOCATION ILLUSTRATION

1.1 – Sample Floor Plan showing numbered walls and ceilings.

1.2 – Wall sample locations.

Top (Even Number) Wall Left Side	Top (Even Number) Wall Right Side
Bottom (Odd Number) Wall Right Side	Bottom (Odd Number) Wall Right Side

1.3 – Ceiling sample locations.

Front Ceiling
Back Ceiling

1.4 Exterior and insulated wall sample locations.

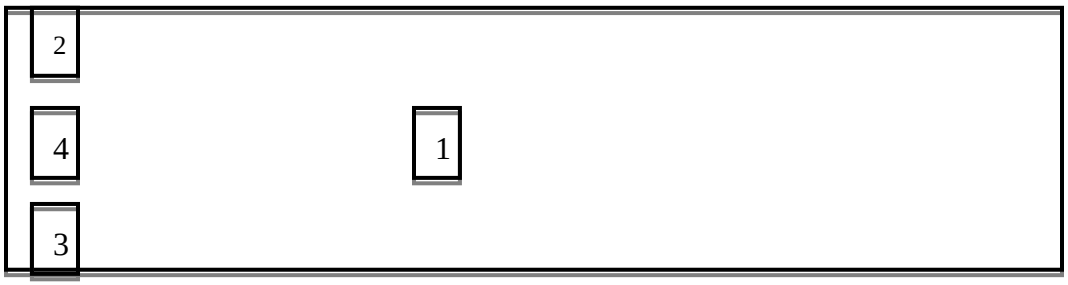


Figure 1: 4’ x 12’ sheet of drywall showing cut locations. This diagram is for a left side inspection. If a right side inspection is used, measure from the right hand side, not the left hand side. If a 4’ x 8’ sheet of drywall is installed, no changes need to be made. Use the same measurements for 8’ and 12’ pieces of drywall.

APPENDIX E

CHAIN OF CUSTODY FORM

Threshold Inspection Protocol	**CHAIN OF CUSTODY FORM**

Page ___ of ___

	Deliver Samples To (Lab):	**Lab Instructions:**
Name		**Hold All Samples**
Company		
Address		
Phone		
Fax		
e-mail		

Sample Identification	Sample Size	Number of Containers	Sample Date	Sample Time	Sampler Initials	Sampler Company	***Matrix*** B = bulk

RELINQUISHED BY	DATE/TIME	RECEIVED BY	DATE/TIME	COMMENTS