

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA**

IN RE: CHINESE-MANUFACTURED	*	MDL NO. 2047
DRYWALL PRODUCTS	*	
LIABILITY LITIGATION	*	SECTION: L
	*	
	*	JUDGE FALLON
<b>This document relates to all cases</b>	*	
	*	MAG. JUDGE WILKINSON
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**PRETRIAL ORDER NO. 1C**

In Pretrial Order No.1, the Court provided as follows: “Each defendant is granted an extension of time for responding by motion or answer to the complaint(s) until a date to be set by this Court. Pending the initial conference and further orders of this Court, all outstanding discovery proceedings are stayed, and no further discovery shall be initiated. Moreover, all pending motions must be re-noticed for resolution on a motion day or days after the Court's initial conference herein” (Rec. Doc. No. 2). Thereafter, the Court modified Pretrial Order No. 1 through Pretrial Order No. 1A to reflect that the stay in effect shall not impede counsel’s obligation to timely enter their appearance on behalf of their client(s) upon effectuation of service on their client (Rec. Doc. No. 186).

The purpose of the stay on motion practice was to allow counsel to focus on organization and coordination. The case has now reached the stage where an organizational structure is in place and the MDL Court has coordinated with the state courts. Accordingly, the Court has determined that it is now appropriate to further modify Pretrial Order No.1 and lift the stay on motion practice in the MDL, unless a case or motion is specifically excepted from this Order by

the Court.

With regard to motions filed before a case was transferred or removed to the MDL, these motions shall be refiled into the MDL in order to receive consideration from the Court. The purpose of the refiling is to provide the Court with notice of the existence of such motions, as these motions do not currently appear on the Court's MDL docket. Refiling shall be done pursuant to the directives set out in Pretrial Order No.1.

With regard to motions for leave to file and/or lift the stay filed in the MDL, this Order constitutes a granting of all such motions, and in effect provides for the filing of the substantive motions currently pending under the stay in the MDL.

With regard to motions not yet filed, parties may now file new motions directly into the MDL pursuant to the directives set out in Pretrial Order No.1. Any questions regarding the lifting of the stay and/or proper filing techniques shall be directed to a party's respective Liaison Counsel.

Once motions are properly before the MDL Court, the motions will be continued without date, unless a motion is specifically excepted from the continuance by the Court. The Court will then organize and prioritize the continued motions and in due course, set the motions for hearing. No responses to the motions are due until two weeks before the hearing date set by the Court.

New Orleans, Louisiana, this 23<sup>rd</sup> day of November 2009.

A handwritten signature in black ink that reads "Eldon E. Fallon". The signature is written in a cursive style with a horizontal line underneath it.

ELDON E. FALLON  
UNITED STATES DISTRICT JUDGE

