

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

IN RE: CHINESE MANUFACTURED DRYWALL : MDL NO. 2047
PRODUCTS LIABILITY LITIGATION :
 : SECTION: L
 :
 : JUDGE FALLON
 : MAG. JUDGE WILKINSON
..... :

THIS DOCUMENT RELATES TO ALL CASES

PRETRIAL ORDER NO. 7A

Considering the foregoing Consent Motion to Substitute Defense Steering Committee Members and Application for Appointment to Defense Steering Committee of Gary F. Baumann, Pretrial Order No. 7 is amended to read as follows:

The Court appoints the following members to the Defendants' Steering Committee (DSC):

Donald J. Hayden
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401 East Jackson Street, Suite 2225
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(813) 221-4242

Steve Walker
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Additionally, the Court appoints Defendants' Liaison Counsel, Kerry Miller, as an ex-officio member of the Committee. It shall be the duty of Defendants' Liaison Counsel to coordinate the responsibilities of the DSC, appear at periodic court noticed status conferences, perform other necessary administrative or logistic functions of the DSC and carry out any other duty as the Court may order.

The DSC will have the following responsibilities:

Discovery

- (1) Initiate, coordinate, and conduct all pretrial discovery on behalf of defendants in all actions which are consolidated with the instant multi district litigation.
- (2) Develop and propose to the Court schedules for the commencement, execution, and completion of all discovery on behalf of the defendants.
- (3) Cause to be issued in the name of the defendants the necessary discovery requests, motions, and subpoenas pertaining to any witnesses and documents needed to properly prepare for the pretrial of relevant issues found in the pleadings of this litigation.
- (4) Conduct all discovery in a coordinated and consolidated manner on behalf and for the benefit of the defendants.

Hearings and Meetings

- (1) Call meetings of counsel for defendants for any appropriate purpose, including coordinating responses to questions of other parties or of the Court. Initiate proposals, suggestions, schedules, or joint briefs, and any other appropriate matter(s) pertaining to pretrial proceedings.
- (2) Examine witnesses and introduce evidence at hearings on behalf of defendants.
- (3) Act as spokesperson for the defendants pretrial proceedings and in response to any inquiries by the Court, subject of course to the right of any defendant's counsel to present non-repetitive individual or different positions.

Miscellaneous

- (1) Submit and argue any verbal or written motions presented to the Court or Magistrate on behalf of the DSC as well as oppose when necessary any motions submitted by the plaintiffs or other parties which involve matters within the sphere of the responsibilities of the DSC.
- (2) Negotiate and enter into stipulations with plaintiffs regarding this litigation. All stipulations entered into by the DSC, except for strictly administrative details such as scheduling, must be submitted for Court approval and will not be binding until the Court has ratified the stipulation.
- (3) Explore, develop, and pursue all settlement options pertaining to any

claim or portion thereof of any case filed in this litigation.

- (4) Maintain adequate files of all pretrial matters, including establishing and maintaining a document or exhibit depository, in either real or virtual format, and having those documents available, under reasonable terms and conditions, for examination by all MDL defendants or their attorneys.
- (5) Perform any task necessary and proper for the DSC to accomplish its responsibilities as defined by the Court's orders.
- (6) Perform such other functions as may be expressly authorized by further orders of this Court.

New Orleans, Louisiana, this 3rd day of August, 2009.

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

ELDON E. FALLON
UNITED STATES DISTRICT JUDGE