MINUTE ENTRY
FALLON, J.
JUNE 19, 2019

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF LOUISIANA

In re: CHINESE-MANUFACTURED DRYWALL PRODUCTS LIABILITY LITIGATION	*	MDL Docket No. 2047
	*	SECTION L
	*	JUDGE FALLON
This document relates to All Cases	*	MAG. JUDGE WILKINSON

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The monthly status conference was held on this date in the Courtroom of District Judge Eldon E. Fallon. Prior to the conference, the Court met with liaison counsel and the chairs of the steering committees. Liasion counsel reported to the Court on the topics set out in Joint Report No. 112 (R. Doc. 22273). The conference was transcribed by Ms. Cathy Pepper, Official Court Reporter. Counsel may contact Ms. Pepper at (504) 589-7779 to request a copy of the transcript.

I. PRE-TRIAL ORDERS

All Pre-Trial Orders are posted on the Court's website located at www.laed.uscourts.gov, which has a tab that links directly to "Drywall MDL." The Court's website also includes other postings relevant to the litigation.

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II. OMNIBUS ("OMNI") CLASS ACTION COMPLAINTS

All of the filed thirty-five (35) Omni Complaints and Complaints in intervention are either listed in prior Joint Status Reports or can be accessed through the Court's ECF/PACER docket or File & Serve Xpress.

On July 24, 2018, Plaintiffs' Motion to Intervene was filed with the Court [Rec. Doc. 21599], relating to *Brooke, et al. v. The State-Owned Assets Supervision and Administration Commission of the State Counsel* (2:15-cv-04127); *Brooke, et al. v. The State-Owned Assets Supervision and Administration Commission of the State Counsel* (2:15-cv-06631); and *Brooke, et al. v. The State-Owned Assets Supervision and Administration Commission of the State Counsel* (2:15-cv-06632). On August 16, 2018, the Court issued an Order granting the Motion to Intervene [Rec. Doc. 21682] and entering the intervenor Complaints at Rec. Docs. 21683, 21684 and 21685.

On October 25, 2018, Plaintiffs' Motion to Intervene was filed with the Court [Rec. Doc. 21882], relating to *Allen, et al. v. Taishan Gypsum Co., Ltd. f/k/a Shandong Taihe Dongxin Co., Ltd., et al.*, 2:17-cv-08288 (E.D.La.); *Bayne, et al. v. Taishan Gypsum Co., Ltd. f/k/a Shandong Taihe Dongxin Co., Ltd., et al*, 2:17-cv-08284 (E.D.La.); *Bentz, et al. v. Taishan Gypsum Co., Ltd. f/k/a Shandong Taihe Dongxin Co., Ltd., et al.*, 2:17-cv-08286 (E.D.La.); *Brooke, et. al. v. The State-Owned Assets Supervision and Administration Commission of the State Counsel*, 2:15-cv-04127 (E.D.La.); *Brooke, et. al. v. The State-Owned Assets Supervision and Administration Commission of the State Counsel*, 2:15-cv-06631 (E.D.La.); and *Brooke, et. al. v. The State-Owned Assets Supervision and Administration Commission of the State Counsel*, 2:15-cv-06632

(E.D.La.) On October 26, 2018, *Cole et al v. State-Owned Assets Supervision and Administration Commission of the State Council*, 4:18-cv-00562-GKF-FHM (D. Okla.) [Omni 35] was filed in the District of Oklahoma and subsequently transferred to the MDL via CTO-39. On November 16, 2018, Plaintiffs filed a Motion to Supplement/Substitute Exhibits to Plaintiffs' Motion to Intervene [Rec. Doc. 21932]. On November 21, 2018, the Court entered an Order [Rec. Doc. 21937] granting the motion. On December 14, 2018, the Court issued an Order [Rec. Doc. 21968] granting the Motion to Intervene, and filed each of the intervening Omnibus Complaints into the record [Rec. Docs. 21969, 21970, 21971, 21972, 21973, 21974].

III. INEX, BANNER, KNAUF, L&W and GLOBAL SETTLEMENTS

On February 22, 2018, a Motion to Extinguish the Knauf Defendants' Settlement Obligations for Certain Remediation Claims was filed with the Court [Rec. Doc. 21190]. Certain Claimants listed in the Motion have filed a response [Rec. Docs. 21230, 21236, 21237, 21529, 21638]. Several other claimants have been in contact with the Knauf Defendants and have completed their Remediation Claims or expect to complete their Remediation Claims soon. The matter was heard on July 18, 2018 and the court issued an Order on July 18, 2018 [Rec. Doc. 21539], granting the motion in part and continuing certain claims. The motion was heard following the December 20, 2018 Status Conference and an Order was issued on December 21, 2018 [Rec. Doc. 21998].

At the direction of the Court and pursuant to the Knauf Class Settlement Agreement, sixteen (16) Already Remediated Homes ("ARH") claims submitted to the Court were fully briefed by the Knauf Defendants and Claimants and sent to the Special

Master for a Report and Recommendation. On August 10, 2018, the Special Master issued a Report and Recommendation on fifteen of the claims and asked for additional briefing on the sixteenth claim. On August 22, 2018, following additional briefing by the Knauf Defendants and Claimants, the Special Master issued a Report and Recommendation on the sixteenth claim. Pursuant to Section IV of the Already Remediated Properties Protocol [Rec. Doc. 12061-6], the Court may now review the parties' briefings and the Special Master's Reports and Recommendations and make a final, non-appealable determination on the sixteen (16) ARH claims. On October 11, 2018, the Special Master issued Report and Recommendations concerning the disposition of 16 already remediated properties (ARH) [Rec. Doc. 21838] and a Supplemental Report and Recommendations concerning the disposition of 16 already remediated properties (ARH) [Rec. Doc. 21839]. On October 22, 2018, the Court entered an Order [Rec. Doc. 21871] adopting the Special Master's [21838] Report and Recommendations and [21839] Supplemental Report and Recommendations as its own. On November 20, 2018, a Notice of Appeal was filed in relation to the 21871 Order [Rec. Doc. 21936]. On February 4, 2019, Plaintiff filed a Motion to Expand Record [Rec. Doc. 22090]. On February 5, 2019, Defendants filed an Opposition [Rec. Doc. 22091]. On February 7, 2019, the Court issued an Order denying the motion [Rec. Doc. 22095]. On March 4, 2019, a Designation of Record on Appeal was filed by Plaintiff [Rec. Doc. 22119].

On October 1, 2018, Claimants filed a Motion to Construe and Define Scope of Review [Rec. Doc. 21805]. On October 8, 2018, the Knauf Defendants filed an Opposition [Rec. Doc. 21827]. On October 15, 2018, a Reply was filed by Claimants [Rec.

Doc. 21849]. On October 15, 2018, the Knauf Defendants filed a Sur-Reply to Claimants' Reply [Rec. Doc. 21857]. On October 22, 2018, the Court issued an Order [Rec. Doc. 21870] denying the motion.

On December 20, 2018, a Joint Motion to Deposit Funds Into the Registry of the Court and to Approve QSF Wind Down was filed with the Court [Rec. Doc. 21995]. On December 21, 2018, the Court issued an Order Regarding the Joint Motion to Approve QSF Wind Down and Deposit Funds in the Court Registry [Rec. Doc. 21999].

IV. TAISHAN, BNBM AND CNBM DEFENDANTS

The Court has issued Orders establishing three (3) tracks in connection with proceedings involving the Taishan, BNBM and CNBM Defendants [*see,* Rec. Docs. 18757 and 18844].

1. The Court's July 17, 2014 Contempt Court Track:

On June 20, 2014, the Court ordered Taishan Gypsum Co., Ltd. f/k/a Shandong Taihe Dongxin Co., Ltd. to appear in open court on July 17, 2014 to be examined as a judgment debtor [Rec. Doc. 17774]. Taishan failed to appear for the July 17, 2014 Judgment Debtor Examination and the Court held Taishan in contempt [Rec. Doc. 17869] and Ordered that Taishan pay $15,000.00 in attorney's fees to Plaintiffs' counsel; that Taishan pay $40,000.00 as a penalty for contempt; that Taishan, and any of its affiliates or subsidiaries be enjoined from conducting any business in the United States until or unless it participates in this judicial process, and if Taishan violates the injunction, it must pay a further penalty of 25% of the profits earned by the Company or its affiliate who violate the

Order for the year of the violation. On July 20, 2018, Taishan filed a Notice of Payment of Discovery Penalty [Rec. Doc. 21561].

2. Class Damages Track:

On July 23, 2014, Omnibus Motion for Class Certification Pursuant to Rules 23(a)(1)-(4) and 23(b)(3) was filed by Plaintiffs [Rec. Doc. 17883] and on September 26, 2014, the Court issued Findings of Fact and Conclusions of Law With Respect to Plaintiffs' Omnibus Motion for Class Certification Pursuant to Rules 23(a)(1)-(4) and 23(b)(3) [Rec. Doc. 18028], which also issued Legal Notice [Rec. Doc. 18028-1].

On October 29, 2014, Plaintiffs filed a Motion for Assessment of Class Damages Pursuant to Rule 55(b)(2)(B) and Request for Approval of Supplemental Notice [Rec. Doc. 18086] ("PSC's Motion for Assessment of Class Damages"). An Evidentiary Hearing, with oral argument, on the PSC's Motion for Assessment of Class Damages occurred on June 9, 2015.

On September 8, 2015 the PSC notified the Court that its proposed class of claimants for remediation decreased from 3,852 claimants to potentially fewer than 1,800 as a result of the Plaintiffs' voluntary dismissals. In response, Taishan submitted a supplemental class damages opposition to address the Plaintiffs' class damages revisions. [Rec. Doc. 19490.] The number of claimants has been the subject of ongoing meet and confer discussions and on July 25, 2017 the PSC filed its updated Class Plaintiffs' spreadsheet (*see* Rec. Docs. 20824 and 20875).

On May 14, 2018, the Court issued an Order [Rec. Doc. 21329] regarding Motion to Certify Class Builder Plaintiffs' Renewed Motion for Class Certification

Against Taishan Gypsum Co., Ltd. [Rec. Doc. 20857] setting a briefing schedule. On October 22, 2018, the Court issued a clarification Order [Rec. Doc. 21872]. On December 13, 2018, the Court entered an Order adopting the parties agreed extension of the discovery and briefing schedule [Rec. Doc. 21960]. On February 11, 2019, Builder Plaintiffs filed their Reply in Support [Rec. Doc. 22100]. This matter was set for hearing following the May 17, 2019 monthly status conference [Rec. Doc. 22208] and on April 18, 2019, the Court issued an Order [Rec. Doc. 22222] continuing the matter to the June 19, 2019 monthly status conference.

On May 31, 2018, CNBM Company, BNBM Group, and BNBM PLC's Motion to Dismiss Certain Plaintiffs Pursuant to Federal Rule of Civil Procedure 37(b) was filed with the Court [Rec. Doc. 21351], with a Request for Oral Argument [Rec. Doc. 21352]. On May 31, 2018, Taishan's Motion to Dismiss Claims for Failure to Complete Supplemental Profile Forms was filed with the Court [Rec. Doc. 21353], with a Request for Oral Argument [Rec. Doc. 21354]. On June 4, 2018, the Court issued an Order [Rec. Doc. 21357] setting briefing schedules and setting the matter for hearing, with oral argument, following the July 18, 2018 status conference. On July 3, 2018, the PSC filed an Omnibus Response to Taishan and CNBM Company, BNBM Group and BNBM PLC's Motions to Dismiss Claims for Failure to Complete Supplemental Profile Forms [Rec. Doc. 21460]. On July 13, 2018, CNBM Company, BNBM Group, and BNBM PLC filed a Reply in Support of Motion to Dismiss Certain Plaintiffs Pursuant to Federal Rule of Civil Procedure 37(b) [Rec. Doc. 21516]. On July 30, 2018, the Court issued an Order [Rec. Doc. 21608] setting the [21351] and [21353] Motions to Dismiss With Prejudice for

hearing on August 14, 2018 at 9:45 a.m. On August 2, 2018, the PSC filed a Motion to Clarify Rule to Show Cause of July 30, 2018 [Rec. Doc. 21636]. On August 8, 2018, CNBM, BNBM Entities and Taishan filed a Response to the PSC's Motion to Clarify Rule to Show Cause of July 30, 2018 [Rec. Doc. 21650] and on August 9, 2018, the PSC filed a Reply [Rec. Doc. 21670]. On August 20, 2018, the Court issued an Order [Rec. Doc. 21699] for certain Plaintiffs' to submit verified Supplemental Profile Forms by the deadline of 30 days from August 14, 2018. On August 11, 2018, Taishan filed a Proposed Order Dismissing Claimants With Prejudice [Rec. Doc. 21845]. On October 12, 2018, an Objection to Defendants' Proposed Dismissals was filed by Plaintiffs, Michael and Sarah Sims [Rec. Doc. 21848]. On October 16, 2018, the Court issued an Order [Rec. Doc. 21859] dismissing certain claimants, with prejudice.

On May 21, 2018, the Court issued an Order [Rec. Doc. 21339] to proceed to the trial phase of all Louisiana actions within the Court's jurisdiction, and ordered the parties to confer and be prepared to discuss a trial plan for all Louisiana cases with the Court at the June 12, 2018 monthly status conference. On May 25, 2018, the PSC filed a Motion to Substitute Exhibit [Rec. Doc. 21343], providing an updated exhibit to be substituted for the Appendix attached to the Order [Rec. Doc. 21339-1]. On May 29, 2018, the Court issued an Order [Rec. Doc. 21344] substituting the Appendix to the May 21, 2018 Order. On June 11, 2018, the PSC filed a Second Motion to Substitute Exhibit [Rec. Doc. 21399], providing an updated exhibit to be substituted for the Appendix attached to the Order [Rec. Doc. 21339-1]. On June 12, 2018, the Court issued an Order [Rec. Doc. 21404] substituting the Appendix to the May 21, 2018 Order.

On July 11, 2018, the CNBM and BNBM entities filed a Motion to Adopt Louisiana *Amorin* Trial Plan [Rec. Doc. 21501], Taishan filed a Motion for Adoption of Proposed plan for Adjudication and Resolution of Louisiana Claims in *Amorin* and *Brooke* [Rec. Doc. 21503] and the PSC submitted to the Court a Proposed Pretrial Order Setting Deadlines for the Resolution of Louisiana Plaintiffs' Claims for Remediation and Other Damages in *Amorin* and *Brooke*, which it filed with the Court on July 16, 2018 [Rec. Doc. 21527]. On July 16, 2018, the PSC filed a Response to Rec. Docs. 21501 and 21503 [Rec. Doc. 21525]. On August 7, 2018, Taishan filed a Response to the PSC's proposed Pre-Trial Order [Rec. Doc. 21646] and CNBM/BNBM filed a Response to the PSC's proposed Pre-Trial Order [Rec. Doc. 21647]. This matter was heard on August 15, 2018. On August 22, 2018, Taishan filed a Post-Hearing Brief in Further support of Motion for Adoption of Proposed Plan for Adjudication and Resolution of Louisiana Claims in *Amorin* and *Brooke* [Rec. Doc. 21698] and CNBM and BNBN Entities' filed a Post-Hearing Brief [Rec. Doc. 21708], and the PSC filed a Supplemental Post-Argument Brief Regarding a Trial Plan for the Resolution of Louisiana Claims in *Amorin* and *Brooke* [Rec. Doc. 21703]. On October 12, 2018, the Court issued an Order/Trial Plan [Rec. Doc. 21847]. On March 8, 2019, the Court issued a briefing schedule Order relating to the Louisiana *Amorin* cases [Rec. Doc. 22133]. On March 15, 2019, Plaintiffs filed a Motion to Adopt Trial Plan for Louisiana *Amorin* Cases [Rec. Doc. 22153]. On March 26, 2019, an Order was issued [Rec. Doc. 22192] vacating the 22133 briefing schedule and issuing a new briefing schedule, and setting this matter for oral argument following the April 23, 2019 status conference. On April 12, 2019, Taishan filed a Response to PSC Motion to Adopt Trial Plan for Louisiana

Amorin Cases [Rec. Doc. 22214]; and CNBM Co. and the BNBM Entities filed a Joinder and Response to PSC Motion to Adopt Trial Plan for Louisiana *Amorin* Cases [Rec. Doc. 22217]. On April 18, 2019, Plaintiffs' Memorandum in Reply to Defendants' Proposed Trial Plan for Louisiana Amorin Cases was filed with the Court [Rec. Doc. 22223]. On May 15, 2019, a Joint Motion to Extend Deadlines to Complete Expert Witness Discovery was filed with the Court [Rec. Doc. 22243]. On May 16, 2019, the Court issued an Order [Rec. Doc. 22247] granting the [22243] motion. On May 20, 2019, the Court issued Order and Reasons on Rec. Docs. 22153, 22214, 22217 and 22223, and setting forth a Louisiana Trial Plan.

On May 20, 2019, the Court issued an Order [Rec. Doc. 22252] expanding the scope of the appointment of Mr. J. Cal Mayo, Jr., partner at Mayo Mallette PLLC in Oxford, Mississippi, as Special Master to include calculating damage amounts with respect to Plaintiffs' property damage claims.

3. <u>Jurisdiction Track:</u>

On March 9, 2016, the Court granted the Motion to Dismiss by CNBM Group under the FSIA and issued Order & Reasons supporting its Judgment [Rec. Doc. 20150]. On April 21, 2017, the Court issued Order & Reasons on the various Motions to Dismiss [Rec. Doc. 20739]. On July 17, 2018, the PSC filed a Motion to Certify the Court's Order and Reasons of March 10, 2016 Pursuant to 28 U.S.C. § 1292(b) [Rec. Doc. 21533] and on July 18, 2018, the Court issued an Order [Rec. Doc. 21543] providing a briefing schedule and setting the matter for hearing, with oral argument, which is scheduled to take place following the September 27, 2018 monthly status conference. On August 7,

2018, the PSC filed a Supplemental Memorandum in Support of Its Motion to Certify the Court's Order and Reasons of March 10, 2016 Pursuant to 28 U.S.C. § 1292(B) [Rec. Doc. 21662]. On August 8, 2018, CNBM Group filed an Unopposed Motion to Extend Briefing Deadlines [Rec. Doc. 21649]. On August 13, 2018, the Court issued an Order [Rec. Doc. 21665] extending briefing deadlines. On August 27, 2018, CNBM Group filed an Opposition to the PSC's Motion to Certify an Interlocutory Appeal of the Court's March 10, 2016 Order [Rec. Doc. 21730]. On September 5, 2018, the PSC filed a Reply in Support of Motion to Certify the Court's Order and Reasons of March 10, 2016 Pursuant to 28 U.S.C. § 1292(b) [Rec. Doc. 21757]. On October 4, 2018, the Court issued Order and Reasons [Rec. Doc. 21823] denying the PSC's Motion to Certify the Court's Order and Reasons of March 10, 2016 Pursuant to 28 U.S.C. § 1292(b) [Rec. Doc. 21533].

Additional Matters

On December 21, 2016, the PSC filed a Motion to Remove Confidentiality Designations With Respect to Documents Produced By and Testimony of the Taishan Defendants and Third Parties [Rec. Doc. 20598]. On February 13, 2017, Taishan filed its Response in Opposition to PSC's Motion to Remove Confidentiality Designations [Rec. Doc. 20654], BNBM filed its Opposition to Plaintiffs' Steering Committee's Motion to Remove Confidentiality Designations With Respect to Documents Produced By and Testimony of the Taishan Defendants [Rec. Doc. 20653], CNBM filed its Response to the Plaintiffs' Steering Committee's Motion to Remove Confidentiality Designations [Rec. Doc. 20658] and Jushi USA Fiberglass Co., Inc. filed its Response to the Plaintiffs' Steering Committee's Motion to Remove Confidentiality Designations [Rec. Doc. 20660].

On February 22, 2017, the PSC filed a Reply to Responses and Oppositions by Taishan, the CNBM Entities, Beijing New Building Materials Public Limited Company, Beijing New Building Materials (Group) Co., Ltd., and Jushi USA Fiberglass Co., Inc. to Motion to Remove Confidentiality Designation With Respect to Documents Produced By and Testimony of the Taishan Defendants and Third Parties [Rec. Doc. 20684], and on April 27, 2017 the PSC filed a Supplemental Memorandum in further support [Rec. Doc. 20751]. The Court entered an Order on June 14, 2017 [Rec. Doc. 20805] continuing the hearing.

On January 26, 2017, Taishan filed a Motion for Plan to Satisfy Translation Order [Rec. Doc. 20643], on February 10, 2017, Plaintiffs' Steering Committee's Alternative Suggestion to Taishan's Plan to Satisfy Translation Order was filed [Rec. Doc. 20651] and on February 17, 2017, Taishan filed a Reply in Further Support of Taishan's Motion for Plan to Satisfy Translation Order [Rec. Doc. 20672]. The Court entered an Order on June 14, 2017 [Rec. Doc. 20805] continuing the hearing.

On March 29, 2018, the Plaintiffs' Steering Committee filed a Motion to Redress Improper Confidentiality Designations and Enforce Order Requiring Manual Translation of Chinese Documents in Recognition of the Suggestion of Remand of the Florida *Amorin* Plaintiffs [Rec. Doc. 21280]. On April 13, 2018, Taishan filed a Response to PSC's "Motion for Redress" Regarding Pending Motions Related to Confidentiality Designations and Taishan's Plan to Satisfy Translation Order [Rec. Doc. 21300] and CNBM Company, BNBM Group, and BNBM PLC filed a Response to the Plaintiffs' Steering Committee's Motion Relating to Confidentiality Designations [Rec. Doc. 21306]. On April 20, 2018, the PSC filed a Reply Memorandum in Support of its Motion to Redress

Improper Confidentiality Designations and Enforce Order Requiring Manual Translation of Chinese Documents in Recognition of the Suggestion of Remand of the Florida *Amorin* Plaintiffs [Rec. Doc. 21310]. On May 3, 2018, the Court issued Order and Reasons (Confidentiality) [Rec. Doc. 21317] and Order (Translations) [Rec. Doc. 21318]. On July 19, 2018, the PSC filed a Motion to Substitute Omnibus Response in Opposition to Defendants' Motions to Dismiss [Rec. Doc. 20036] (Addressing Removal of Confidentiality Designations and Lifting of Seal) [Rec. Doc. 21552], on August 3, 2018 the Court issued an Order [Rec. Doc. 21640] granting the motion, and on August 6, 2018 the substituted Omnibus Response was filed with the Court [Rec. Doc. 21641]. On August 2, 2018, the PSC filed a Motion to Substitute Briefs Previously Filed Under Seal [Rec. Docs. 18433, 18472 and 18958] (Addressing Removal of Confidentiality Designations and Lifting of Seal) [Rec. Doc. 21634]. The Motion was granted [Rec. Doc. 21678] and substitutions were made at Rec. Docs. 21679, 21680 and 21681. On August 8, 2018, the PSC filed a Motion to Substitute Response, Supplemental Response, and Second Supplemental Response of Plaintiffs' Steering Committee to CNBM Group's Motion to Dismiss on Grounds of the Foreign Sovereign Immunities Act [Rec. Docs. 19658, 19817, 19934] (Addressing Removal of Confidentiality Designations and Lifting of Seal) [Rec. Doc. 21651], and a Motion for Expedited Hearing [Rec. Doc. 21652]. On August 24, 2018, the Court issued an Order [Rec. Doc. 21723] granting the substitutions, and the briefs were substituted at Rec. Doc. 21750 and 21754.

CNBM filed a Motion to Decertify the Class Action on January 5, 2017 [Rec. Doc. 20627], BNBM filed a Joinder on January 6, 2017 [Rec. Doc. 20631] and

Taishan filed a Joinder on January 9, 2017 [Rec. Doc. 20632]. On February 13, 2017, the PSC filed Plaintiffs' Opposition to Taishan Defendants' Motion to Decertify the Class Pursuant to Rule 23(c)(1)(C) [Rec. Doc. 20675]. The matter was heard on March 2, 2017. On April 21, 2017, the Court issued Order & Reasons [Rec. Doc. 20740]. On May 22, 2017, Taishan filed a Motion to Amend the Order Denying Class Decertification and the Class Damages Order and to Certify for Interlocutory Appeal Under Section 1292(b) [Rec. Doc. 20778]. On June 15, 2017, the PSC filed a Response in Opposition to Taishan's Motion to Amend the Order Denying Class Decertification and the Class Damages Order and to Certify for Interlocutory Appeal Under Section 1292(b) [Rec. Doc. 20809]. On July 5, 2017, Taishan filed a Reply in Support of Motion to Amend the Order Denying Class Decertification and the Class Damages Order and to Certify for Interlocutory Appeal Under Section 1292(b) [Rec. Doc. 20849].

On February 14, 2017, the PSC filed a Motion to Compel Complete Responses to Supplemental Discovery Directed to Taishan, TTP, BNBM, BNBM Group, CNBM and CNBM Group [Rec. Doc. 20661]. The Court entered an Order on June 14, 2017 [Rec. Doc. 20805] continuing the hearing on this matter until the Court discusses the status of the litigation with Liaison Counsel.

On August 1, 2017, CNBM and BNBM filed a Supplemental Motion on Jurisdiction and Class Certification Following *Bristol-Myers Squibb Co. v. Superior Court of California, San Francisco County* [Rec. Doc. 20882], and August 7, 2017, Taishan filed a Notice of Joinder [Rec. Doc. 20894]. On August 30, 2017, the PSC filed a Memorandum in Opposition to Defendants' Supplemental Motion on Jurisdiction and Class Certification

Following *Bristol-Myers Squibb Co. v. Superior Court of California, San Franciso County* [Rec. Doc. 20935]. On September 5, 2017, the Court entered an Order [Rec. Doc. 20942] setting the matter for oral argument on October 12, 2017, following the monthly status conference, and establishing briefing deadlines. On September 19, 2017, CNBM and BNBM filed a Reply Brief in Support of Supplemental Motion on Jurisdiction and Class Certification Following *Bristol-Myers Squibb Co. v. Superior Court of California, San Francisco County* [Rec. Doc. 20956-2] and Taishan filed a Reply in Support of Taishan's Joinder to Supplemental Motion to Dismiss for Lack of Personal Jurisdiction Following *Bristol-Myers Squibb Co. v. Superior Court* [Rec. Doc. 20964]. On September 29, 2017, the Court issued an additional briefing deadline Order [Rec. Doc. 20992]. On September 29, 2017, Taishan filed a Supplemental Brief in Support of Motion to Dismiss for Lack of Personal Jurisdiction Following *Bristol-Myers Squibb Co. v. Superior Court* [Rec. Doc. 20996]; CNBM and BNBM filed a Supplemental Brief Addressing *In Re Depuy Orthopaedics, Inc.* [Rec. Doc. 20997]; and the PSC filed a Supplemental Memorandum Addressing *In Re Depuy Orthopaedics, Inc.*, in Further Opposition to Defendants' Supplemental Motion on Jurisdiction and Class Certification Following *Bristol-Myers Squibb Co. v. Superior Court of California, San Francisco County* [Rec. Doc. 21000]. On October 6, 2017, the PSC filed a Second Supplemental Memorandum in Further Opposition to Defendants' Supplemental Motion on Jurisdiction and Class Certification Following *Bristol-Myers Squibb Co. v. Superior Court of California, San Francisco County*, Filed Pursuant to the Court's September 28, 2017 Order [Rec. Doc. 21031]. On October 11, 2017, Defendants filed a Supplemental Brief Addressing the Difference, If

Any, Between a Mass Action and a Class Action In Which Every Member is a Named Plaintiff [Rec. Doc. 21038] and Taishan filed a Supplemental Brief on Mass Tort and Class Actions in Support of Motion to Dismiss for Lack of Personal Jurisdiction Following *Bristol-Myers Squibb v. Superior Court* [Rec. Doc. 21036]. The matter was heard on October 12, 2017 and was taken under submission (see Minute Entry, Rec. Doc. 21040). On November 13, 2017, Defendants filed a Motion for Leave to File Notice of Supplemental Authority [Rec. Doc. 21070 and 21073] and November 20, 2017, the PSC filed a Motion for Leave to File a Response [Rec. Doc. 21075 and 21081]. On November 30, 2017, the Court issued Order & Reasons [Rec. Doc. 21088]. CNBM and BNBM specifically reserve their respective objections to jurisdiction. CNBM, BNBM and Taishan have preserved their positions based upon the ruling in Bristol-Myers Squibb. On December 13, 2017, CNBM and BNBM filed a Renewed Motion to Certify an Immediate Appeal From the Court's Jurisdictional Orders [Rec. Doc. 21095] and Taishan filed a Notice of Joinder [Rec. Doc. 21096]. On January 10, 2018, the Court issued an Order [Rec. Doc. 21128] setting briefing deadlines and indicating that no oral argument was necessary on this motion. On January 15, 2018, the PSC filed its Memorandum of Law in Opposition to Defendants' Renewed Motion to Certify an Immediate Appeal From the Court's Jurisdictional Orders [Rec. Doc. 21138 and 21158]. On February 8, 2018, CNBM and BNBM filed a Reply Memorandum in Support of Their Renewed Motion to Certify an Immediate Appeal From the Court's Jurisdictional Orders [Rec. Doc. 21173]. On March 6, 2018, the Court entered Order and Reasons granting in part and denying in part the Motion to Certify Immediate Appeals [Rec. Doc. 21231]. On March 15, 2018, CNBM and

BNBM filed a Petition for Permission to Appeal Pursuant to 28 U.S.C. § 1292(b) with the Fifth Circuit Court of Appeals. On August 29, 2018, a Joint Designation of Record on Appeal was filed with the Court [Rec. Doc. 21749]. On March 13, 2019, a Joint Supplemental Designation of Record on Appeal was filed [Rec. Doc. 22150]. On March 26, 2019, the Order of USCA was issued [Rec. Doc. 22191] granting the unopposed joint motion of appellants and appellees to view and obtain sealed documents. Appellants filed their brief with the Fifth Circuit Court of Appeals on May 8, 2019. On May 9, 2019, Appellees filed an Unopposed Motion to Extend Time to File Brief with the Fifth Circuit Court of Appeal and on May 10, 2019, the Clerk issued an Order granting the unopposed Motion.

On August 22, 2017, the PSC filed an End Game Proposal [Rec. Doc. 20913], and on August 31, 2017, filed a Supplement [Rec. Doc. 20937]. On August 23, 2017, CNBM and BNBM filed an MDL Issues List [Rec. Doc. 20923]. On August 24, 2017, Taishan filed Suggestion of Next Steps in MDL Litigation [Rec. Doc. 20928], and on August 31, 2017, CNBM and BNBM filed a Memorandum of Joinder [Rec. Doc. 20938].

On August 3, 2018, the PSC filed a Motion to Stay All Florida Claims on Louisiana and Virginia *Amorin* Complaints [Rec. Doc. 21639]. On August 17, 2018, a Consent Motion to Set Briefing Schedule was filed with the Court [Rec. Doc. 21694]. On August 21, 2018, Taishan filed a Request for Oral Argument [Rec. Doc. 21696] and an Order Setting Briefing Schedule & Granting Request for Oral Argument was issued by the Court [Rec. Doc. 21701]. On August 24, 2018, the CNBM and BNBM Entities filed an

Opposition to the PSC's Motion to Stay All Florida Claims on Louisiana and Virginia *Amorin* Complaints [Rec. Doc. 21728]. On August 24, 2018, Taishan filed a Motion to Dismiss Florida Claims from Louisiana *Amorin* [Rec. Doc. 21729]. On September 6, 2018, the PSC filed an Omnibus Reply in Support of Motion to Stay All Florida Claims on Louisiana and Virginia *Amorin* Complaints [Rec. Doc. 21758]. On November 19, 2018, the Court entered Order & Reasons [Rec. Doc. 21935] staying Florida and Virginia-based claims in the Louisiana *Amorin* complaint.

On August 17, 2018, the PSC filed an Unopposed Motion and Incorporated Memorandum to Apply Redactions and Otherwise Lift the Seal Over the Motions Hearing Dated March 2, 2017 [Rec. Doc. 21690]. On August 20, 2018, an Order was issued granting the motion [Rec. Doc. 21705]. The redacted transcript was filed into the record at Rec. Doc. 21710.

On August 24, 2018, the Court issued an Order [Rec. Doc. 21719] directing Plaintiffs to respond to Defendants' Motions to Dismiss [Rec. Doc. 19984 and 19998], and the matters were set for submission on September 26, 2018. On September 7, 2018, the PSC filed a Response in Opposition to Defendants' Motion to Dismiss in the Abner case [Rec. Doc. 21775], filed at Rec. Doc. 19998; and an Opposition to Defendants' Motion to Dismiss in the *Brooke* case [Rec. Doc. 21779], filed at Rec. Doc. 19984. On September 11, 2018, the Court issued an Order [Rec. Doc. 21776] setting the motions for submission on September 26, 2018. On September 26, 2018, BNBM filed a Reply in the Abner Case [Rec. Doc. 21814] and a Reply in the *Brooke* case [Rec. Doc. 21818]. On October 4, 2018, the PSC filed a Motion to Strike the Declaration of Donald Clarke [Rec. Doc. 21820]. On

October 16, 2018, Defendants filed a Response [Rec. Doc. 21853]. On October 23, 2018, the PSC filed a Reply brief [Rec. Doc. 21879]. On November 13, 2018, the Court entered an Order [Rec. Doc. 21914] requesting additional briefing by the parties no later than December 14, 2018 at 5:00 p.m. On November 15, 2018, the Court issued an Order [Rec. Doc. 21930] providing a briefing schedule to the parties. On December 5, 2018, the Court issued Order & Reasons [Rec. Doc. 21947] granting the Motion to Strike [Rec. Doc. 21820]. On December 14, 2018, the PSC filed its Supplemental Brief Regarding Tolling Pursuant to the Order of November 13, 2018 [Rec. Doc. 21963]. On January 18, 2019, Taishan filed its Supplemental Brief in Support of BNBM's Motion to Dismiss the *Brooke* Complaints [Rec. Doc. 22071] and BNBM Group and BNBM PLC filed their Supplemental Brief Regarding Tolling Issues in Support of Motion to Dismiss [Rec. Doc. 22072]. Plaintiffs' Reply brief on the matter is due to be filed on February 1, 2019. On January 25, 2019, the Court issued an Order [Rec. Doc. 22077] setting this matter for hearing, with oral argument, following the February 21, 2019 status conference. On February 1, 2019, the PSC filed a Supplemental Reply Regarding Tolling Issues in Opposition to Defendants' Motion to Dismiss [Rec. Doc. 22083]. On February 25, 2019, CNBM Company filed a Joinder in BNBM Entities' [19998] Motion to Dismiss [Rec. Doc. 22115]. On March 6, 2019, the Court issued its Order and Reasons granting in part and denying in part [Rec. Doc. 22124].

On August 28, 2018, the PSC filed a Notice of Clarification Regarding the Composition of the *Amorin* Class [Rec. Doc. 21741]. On September 6, 2018, CNBM and BNBM Entities filed a Motion to Reject the PSC's Notice of Clarification Regarding the

Composition of the *Amorin* Class [Rec. Doc. 21763] and Taishan filed a Notice of Joinder [Rec. Doc. 21764]. On September 18, 2018, the PSC filed a Response to the Motion to Reject [Rec. Doc. 21783]. On September 26, 2018, the Defendants filed a Reply [Rec. Doc. 21816]. On October 22, 2018, the Court issued a clarification Order [Rec. Doc. 21872].

On August 28, 2018, the PSC filed an Amended Memorandum in Support of Motion for Suggestion of Remand [Rec. Doc. 21752].

On September 21, 2018, the PSC filed a Notice of Oral and Videotaped Deposition of Plaintiff, Brenda Owens [Rec. Doc. 21788]. On October 10, 2018, the PSC filed a Notice of Postponement of Oral and Videotaped Deposition of Brenda Owens [Rec. Doc. 21833]. On October 26, 2018, a Re-Notice of Oral and Videotaped Deposition of Plaintiff, Brenda Owens was filed with the Court [Rec. Doc. 21884] and an Amended Notice was filed on November 1, 2018 [Rec. Doc. 21892].

On October 9, 2018, the PSC filed a Motion to Remove Confidentiality Designations With Respect to the Substituted Memorandum of Law in Support of Plaintiff-Intervenors and the Plaintiffs' Steering Committee to Enforce the Courts' July 17, 2014 Contempt Order and Rule to Show Cause Why Any Confidentiality Designations Should Remain [Rec. Doc. 21830], with a Request for Oral Argument [Rec. Doc. 21831]. On October 24, 2018, an Order [Rec. Doc. 21881] was issued granting the motion. On October 26, 2018, a Joint Motion to Vacate Order and Set Briefing Schedule for PSC's Motion to Remove Confidentiality Designations was filed with the Court [Rec. Doc. 21887]. On November 1, 2018, the Court issued an Order [Rec. Doc. 21893] vacating the Order at Rec.

Doc. 21881, setting a briefing schedule, and setting the motion for hearing, with oral argument, following the December 20, 2018 status conference. On December 7, 2018, Defendants filed their Responses/Oppositions [Rec. Docs. 21949 and 21950]. On December 14, 2018, the PSC filed its Reply Brief [Rec. Doc. 21965]. On January 2, 2019, the Court issued its Orders and Reasons [Rec. Doc. 22017]. On January 3, 2019, the Court issued an Order to Show Cause for specific third-party entities to appear on January 30, 2019 at 9:00 a.m. to show cause why the PSC's Motion to Remove Confidentiality Designations should not be granted [Rec. Doc. 22020].

On October 18, 2018, a Motion to Stay All Virginia Claims on the Louisiana *Amorin* Complaint was filed with the Court [Rec. Doc. 21863]. On November 13, 2018, CNBM and the BNBM Entities filed an Opposition to the PSC's Motion to Stay All Virginia Claims on the Louisiana *Amorin* Complaint [Rec. Doc. 21913].

On October 23, 2018, the PSC filed an Unopposed Motion to Voluntarily Dismiss Certain Claims Related to Properties that Remain in the MDL [Rec. Doc. 21877] and on October 24, 2018, the Court issued an Order [Rec. Doc. 21880] granting the motion.

On October 29, 2018, the PSC filed an Unopposed Motion and Incorporated Memorandum to Dismiss Certain Florida *Amorin* Claims from the MDL Docket [Rec. Doc. 21888] and on November 1, 2018, the Court issued an Order [Rec. Doc. 21894] granting the motion.

On October 31, 2018, a Joint Motion to Set Louisiana *Amorin* Discovery Plan for Selected Louisiana Claims from the *Amorin* Class was filed with the Court [Rec. Doc. 21891] and on November 1, 2018, the Court issued an Order Setting Louisiana

Amorin Discovery Schedule [Rec. Doc. 21897], which appended a Discovery Plan For Selected Louisiana Claims from the *Amorin* Class. Pursuant to the Court's Discovery Plan, on November 12, 2018, the PSC filed a Notice of Selection of Class Claims [Rec. Doc. 21910]. On November 19, 2018, the PSC filed a Revised Notice of Selection of Class Claims [Rec. Doc. 21934]. On November 26, 2018, the PSC filed a Notice of Compliance [Rec. Doc. 21941]. On December 11, 2018, Defendants filed an Unopposed Motion to File Fact Witness Lists Out of Time [Rec. Doc. 21953], and on December 14, 2018, the Court issued an Order granting the motion [Rec. Doc. 21961]. On December 12, 2018, the Defendants filed a Notice of Selection of Class Claims [Rec. Doc. 21959]. On February 11, 2019, a Joint Stipulation Regarding Authentication and Hearsay as to Certain Categories of Documents for Select Cases was entered by the Court [Rec. Doc. 22099]. On February 11, 2019, a Notice of the Parties' Agreement to Amend the Amorin Discovery Plan to Remove Daniel Gammage as a Defendants' Select Class Claim was filed with the Court [Rec. Doc. 22097].

On December 28, 2018, the PSC filed a Notice of Compliance of the Court's Order of November 1, 2018 as to their Witness Lists for Defendants' Select Class Claims [Rec. Doc. 22014]. On January 8, 2019, Defendants' filed a Notice of Compliance with the Court's Order of November 1, 2018 as to their Witness Lists for Defendants' Select Class Claims [Rec. Doc. 22057]. Currently, the parties are actively engaged in depositions of Select Class claimants and fact witnesses.

On March 7, 2019, a Joint Notice of Settlement Agreement was filed by Parker Waichman, LLP; Milstein, Jackson, Fairchild & Wade, LLP; Whitfield, Bryson &

Mason, LLP; Mrachek, Fitzgerald, Rose, Konopka, Thomas & Weiss, P.A. (collectively, "PW"); and Taishan Gypsum Company, Ltd., f/k/a Shandong Taihe Dongxin Co., Ltd. and Taian Taishan Plasterboard Co., Ltd. [Rec. Doc. 22125]. PW also filed a Motion to Lift PTO 32 for Settlement of Indvidual Claims on Remand With Voluntary Holdback for Future Fee Allocation was filed by PW [Rec. Doc. 22126] and a Motion for Leave to File Settlement Agreement and Release Under Seal was filed by PW [Rec. Doc. 22127]. On March 11, 2019, the Court issued an Order granting the Motion for Leave to File Settlement Agreement and Release Under Seal [Rec. Doc. 22136] .

On March 11, 2019, the Court issued an Order [Rec. Doc. 22142] designating a briefing schedule for the motions (22135 and 22126). On March 15, 2019, the Knauf Defendants filed a Motion to Enforce Settlement Agreement Assignment Rights [Rec. Doc. 22154]. On March 29, 2019, the Knauf Defendants' filed a Motion to Supplement their Motion to Enforce Settlement Agreement Assignment Rights [Rec. Doc. 22196]. On April 2, 2019, the Court issued an Order granting the motion to supplement [Rec. Doc. 22204].

On March 18, 2019, Class Counsel filed a Response to Joint Notice Counsel's Motion to Lift PTO 32 [Rec. Doc. 22158]. On March 20, 2019, the Court issued an Order [Rec. Doc. 22174] denying the motion.

On March 8, 2019, Class Counsel filed a Rule 23(d) Motion to Protect the *Amorin* Class [Rec. Doc. 22135], with a Motion for Expedited Hearing [Rec. Doc. 22144]. On March 12, 2019, the Court issued an Order granting in part and denying in part the Motion for Expedited Hearing and expedited the briefing schedule [Rec. Doc. 22146]. On

March 18, 2019, PW filed a Response in Opposition to Class Counsel's rule 23(D) Motion to Protect the *Amorin* Class [Rec. Doc. 22162]. On March 18, 2019, Taishan filed an Opposition to "Class Counsel's Rule 23(d) Motion to Protect the *Amorin* Class" [Rec. Doc. 22160] and BNBM and CNBM filed a Joinder in Opposition to "Class Counsel's Rule 23(d) Motion to Protect the *Amorin* Class" [Rec. Doc. 22163]. On March 20, 2019, Class Counsel filed a Reply Brief in Support of Rule 23(d) Motion to Protect the *Amorin* Class [Rec. Doc. 22171]. On March 20, 2019, the Court issued an Order denying without prejudice PW's Motion to Lift PTO 32 and Class Counsel's Motion to Protect the *Amorin* Class [Rec. Doc. 22174].

On March 14, 2019, the PSC filed a Notice of Filing Transcript and Exhibits of Taishan 30(b)(6) Deposition Re Product Identification (Occurring January 22-23, 2019) [Rec. Doc. 22152].

On March 15, 2019, the PSC filed a Motion for an Order (Under FRCP 55(b)) Applying the Remediation Damages Formula Adopted by the Findings of Fact & Conclusions of Law Related to the June 9, 2015 Damages Hearing to the Claims of Former Owners of Affected Properties [Rec. Doc. 22155], with a Request for Oral Argument [Rec. Doc. 22156]. On March 26, 2019, an Order was issued [Rec. Doc. 22192] vacating the 22133 briefing schedule, issuing a new briefing schedule and setting this matter for oral argument following the April 23, 2019 status conference. On April 12, 2019, Taishan filed an Opposition to the PSC's Motion to Apply the Remediation-Damages Formula to the Claims of Former Owners of Affected Properties Located in Louisiana [Rec. Doc. 22212]; and the CNBM and BNBM Entities filed an Opposition to PSC's Motion for Order (Under

FRCP 55(b)) Applying the Remediation Damages Formula Adopted by the Findings of Fact and Conclusions of Law Related to the June 9, 2015 Damages Hearing to the Claims of Former Owners of Affected Properties [Rec. Doc. 22216]. On April 18, 2019, the PSC filed a Reply in Further Support of Its Motion for an Order Applying the Remediation Damages Formula to the Claims of Former Owners of Affected Properties [Rec. Doc. 22225]. On May 3, 2019, the Court issued Order & Reasons [Rec. Doc. 22237].

On May 2, 2019, the PSC filed its Submission of An Updated Remediation Damages Spreadsheet [Rec. Doc. 22235].

On May 24, 2019, a Joint Motion to Stay relating to *Amorin, et al v. Taishan Gypsum Co., Ltd., et al*, No. 2:11-cv-01395 and *Brooke, et al v. State-Owned Assets Supervision and Administration Commission of the State Council, et al*, No. 15-4127 was filed with the Court [Rec. Doc. 22259]. On May 28, 2019, the Court issued an Order Granting Motion for a Limited Stay Finalize the Settlement Agreement & Request for a Joint Status Conference Regarding Coordination for Approval of the Settlement [Rec. Doc. 22261]. A status conference was held on June 6, 2019. On June 10, 2019, the Court issued a Minute Entry [Rec. Doc. 22268] setting a status conference for July 25, 2019 at 9:00 a.m. On June 12, 2019, a Consent Motoin to Extend Stay up until and through July 1, 2019 was filed with the Court [Rec. Doc. 22270] and the Court issued an Order [Rec. Doc. 22271] granting the motion.

On June 5, 2019, a Motion to Authorize Plaintiffs' Liaison Counsel to pay and/or Reimburse Payment of Taxes was filed with the Court [Rec. Doc. 22267]. On June 12, 2019, the Court issued an Order [Rec. Doc. 22269] granting the motion.

V. VENTURE SUPPLY & PORTER BLAINE DEFENDANTS

An Order Granting Final Approval of the Settlement of Assigned Claims in MDL No. 2047 on Behalf of the Porter-Blaine/Venture Supply Class Regarding Claims Assigned to the Class By the Porter-Blaine/Venture Supply Participating Defendants and Participating Insurers Against Taishan Gypsum Co., Ltd. and Taian Taishan Plasteboard Co., Ltd. was entered by the Court on July 19, 2018 [Rec. Doc. 21544].

On January 4, 2019 Class Counsel's Motion for an Award of Attorneys' Fees and Reimbursement of Expenses in the Settlement of Assigned Claims in MDL 2047 on Behalf of the Porter-Blaine/Venture Supply Class Regarding Claims Assigned to the Class by the Porter-Blaine/Venture Supply Participating Defendants and Participating Insurers Against Taishan Typsum Co., Ltd. and Taian Taishan Plaster Co., Ltd. was filed with the Court [Rec. Doc. 22036]. On February 14, 2019, the Court issued an Order setting objection/response deadlines to Class Counsel's Motion [Rec. Doc. 22102]. On March 6, 2019, the Court issued an Order granting the motion [Rec. Doc. 22122].

VI. BENNETT CLASS ACTION

On March 7, 2018, the Court conducted a status conference concerning the action styled *Elizabeth Bennett, et al. v. Gebrueder Knauf Verwaltungsgesellschaft, KG, et al.*, Case No. 1:14-cv-02722-EEF-JCW [Rec. Doc. 21238]. On March 13, 2018, it was agreed that Plaintiffs' deadline to submit profile forms (PPF and SPPF, as appropriately modified) and all supporting documentation to Brown Greer is forty-five (45) days or by April 27, 2018. On May 14, 2018, the Court issued an Order [Rec. Doc. 21332] filing the Fourth Amended Class Action Complaint [Rec. Doc. 21333] and Fifth Amended Class

Action Complaint [Rec. Doc. 21334]. The Court conducted a status conference on June 27, 2018 at 1:30 p.m. and a telephone status conference on July 6, 2018 at 9:00 o'clock a.m. The Court directed the parties to meet and confer, and issued a Minute Entry [Rec. Doc. 21481]. The parties made a report to the Court at the July 18, 2018 status conference on the status of Plaintiffs need to add additional plaintiffs in a yet to be filed sixth amended complaint. On August 27, 2018, certain served Knauf Entities filed Motions to Dismiss for Lack of Jurisdiction [Rec. Docs. 21731, 21732, 21733 and 21734] and Motions for Summary Judgment [Rec. Docs. 21736, 21737, 21738, 21739 and 21740]. On September 10, 2018, Plaintiffs' counsel filed a Motion to Intervene [Rec. Doc. 21770]. On September 26, 2018, the Court issued an Order [Rec. Doc. 21796] granting the 21770 Motion to Intervene and the Class Action Intervenor Complaint was filed at Rec. Doc. 21797. On September 26, 2018, the Knauf Entities filed a Response/Memorandum in Support of its 21731, 21733, 21734, 21736, 21737, 21738, 21739 and 21740 motions [Rec. Doc. 21793]. On September 26, 2018, the Court issued an Order [Rec. Doc. 21794] on the Knauf Entities' 21731, 21732, 21733, 21734, 21736, 21737, 21738 and 21739 motions and an Order [Rec. Doc. 21795] on the Knauf Entities' 21740 motion. On October 2, 2018, Knauf Gips KG, filed a Motion to Set Status Conference [Rec. Doc. 21808]. On October 9, 2018, the Court issued an Order [Rec. Doc. 21829] setting a status conference for October 26, 2018 at 1:30 p.m. On October 25, 2108, Knauf filed a Proposed Case Management Order [Rec. Doc. 21883]. On October 29, 2018, the Court issued a Minute Entry [Rec. Doc. 21889] setting certain deadlines and a telephone status conference on November 8, 2018 at 11:00 a.m. On November 5, 2018, a Response to Proposed Case Management Order

and Proposed Plaintiff Fact Sheet was filed by Plaintiffs [Rec. Doc. 21903]. A telephone status conference was conducted on November 8, 2018 and a Minute Entry entered on November 13, 2018 [Rec. Doc. 21912] setting certain deadlines and scheduling a telephone status conference on December 10, 2018 at 10:00 a.m. On November 22, 2018, Plaintiffs filed a Response/Reply [Rec. Doc. 21939]. On November 29, 2018, the Court issued a Text Order [Rec. Doc. 21942] continuing the December 10, 2018 telephone status conference until December 18, 2018 at 10:00 a.m.

On November 5, 2018, a Motion to Dismiss Certain Plaintiffs' Claims was filed by Plaintiffs [Rec. Doc. 21901] and on November 7, 2018, the Court issued an Order [Rec. Doc. 21906] granting the motion.

On November 5, 2018, a Notice of Voluntary Dismissal Without Prejudice as to certain Knauf entities was filed by Plaintiffs [Rec. Doc. 21902].

On November 22, 2018, Plaintiffs filed a Motion for Leave to File a Sixth Amended Complaint [Rec. Doc. 21938]. On December 11, 2018, Knauf Gips KG and KPT filed an opposition to the Motion for Leave [Rec. Doc. 21951]. On December 19, 2018, the Court issued Order and Reasons denying the motion [Rec. Doc. 21991].

On December 19, 2018, the Court issued a Case Management Order [Rec. Doc. 21992].

On February 19, 2019, Knauf filed a Motion to Dismiss Party Claimants [Rec. Doc. 22107]. On February 20, 2019, the Court issued a Show Cause Order setting a hearing on March 26, 2109 at 9:00 a.m., following the monthly status conference [Rec. Doc. 22109]. On February 26, 2019, Plaintiff filed a Response to the motion [Rec. Doc.

22116]. The matter was argued on April 23, 2019, following the monthly status conference and was denied as stated orally on the record.

On March 26, 2019, the Court issued an Order [Rec. Doc. 22186] scheduling a telephone status conference with the Court on April 4, 2019 at 11:00 a.m.

On April 2, 2019, Knauf filed a Motion to Dismiss/Strike Certain *Bennett* Claims [Rec. Doc. 22206]. On April 15, 2019, Plaintiff filed an Opposition [Rec. Doc. 22218]. On April 23, 2019, the Court issued an Order denying Knauf's Motion to Dismiss/Strike (Rec. Doc. 22227) and instructed the parties to move forward with discovery.

Since the Court's hearing on the Motion to Dismiss/Strike, the parties have begun setting Louisiana depositions and inspections to commence on May 17, 2019. Following the conclusion of the Louisiana depositions and inspections, the parties will begin setting depositions and inspections for claims in other states.

On May 31, 2019 an Exparte/Consent Motion to Extend Case Management Order Deadlines was filed with the Court [Rec. Doc. 22263]. On June 3, 2019, the Court issued an Order [Rec. Doc. 22266] granting the [22263] motion.

On June 3, 2019 the Court issued an Order [Rec. Doc. 22265] setting a telephone status conference with the the Court on June 27, 2019 at 8:30 a.m.

The parties will be prepared to discuss these matters with the Court at the June 19, 2019 status conference.

VII. FREQUENTLY ASKED QUESTIONS

The "MDL FAQs" may be found at www.laed.uscourts.gov/Drywall/FAQ.htm. Liaison counsel reminds the parties to review the FAQs before contacting Liaison Counsel. The parties will be prepared to discuss this issue at the monthly status conference on June 19, 2019.

VIII. ATTORNEY FEES

On February 4, 2019, the Court issued Order & Reasons [Rec. Doc. 22089] and on February 5, 2019, the Court issued a Judgment pursuant to the Court's Order and Reasons [Rec. Doc. 22092] regarding attorney's fees in the Knauf portion of the litigation. Three (3) Notices of Appeal have been filed [Rec. Docs. 22129, 22123, and 22120]. On March 19, 2019, a notification was received [Rec. Doc. 22165] indicating that the USCA Case Number for these appeals with the Fifth Circuit is 19-30187. On March 28, 2019, an Appeal Transcript Request was filed [Rec. Doc. 22195]. On May 30, 2019, Unopposed Motions to Dismiss the appeal were filed with the Fifth Circuit Court of Appeals and on May 31, 2019 a Clerk Order was issued by the Fifth Circuit Court of Appeals granting the unopposed joint motion to dismiss appeal. On June 3, 2019, the Court issued an Order of USCA Dismissing [22120] Notice of Appeal [Rec. Doc. 22264].

On February 19, 2019, the Yance Law Firm filed a Motion for Award of Attorney Fees on Interest Earned [Rec. Doc. 22108]. On February 21, 2019, the Court issued an Order designating a briefing schedule [Rec. Doc. 22112]. On March 12, 2019, Plaintiffs' Lead Counsel and Plaintiffs' Liaison Counsel filed an Opposition to Yance Motion for Attorneys' Fees [Rec. Doc. 22148]. On March 21, 2019, the Yance Law Firm

filed its Reply brief [Rec. Doc. 22189]. On April 26, 2019, the Court entered Order & Reasons denying the motion [Rec. Doc. 22228].

On March 8, 2019, Krupnick Campbell Malone, et al, filed a Motion for Immediate Disbursement of Attorney's Fees Pursuant to Final Judgment [Rec. Doc. 22130], with a Request for Oral Argument [Rec. Doc. 22132]. Joinders to this motion have been filed at Rec. Docs. 22134, 22131, 22141, 22147, 22159 and 22164]. On March 11, 2019, the Court issued a briefing schedule Order [Rec. Doc. 22143]. On March 20, 2019, McCallum, Hoaglund, Cook & Irby, LLP and Gentle, Turner, Sexton & Harbison filed a Reply to Krupnick Campbell Malone et al's Motion for Immediate Disbursement of Attorneys' Fees Pursuant to Final Judgment [Rec. Doc. 22169]. On March 20, 2019, Anderson Kill, P.C. filed an Opposition to Krupnick Campbell Malone's Motion for Immediate Disbursement of Attorney's Fees Pursuant to Final Judgment [Rec. Doc. 22172]. On March 21, 2019, Krupnick Campbell Malone, et al, filed its Reply in support of Motion for Immediate Disbursement of Attorney's Fees Pursuant to Final Judgment [Rec. Doc. 22175]. On March 22, 2019, Parker Waichman, et al, filed a Motion to Strike the [22130] Motion for Immediate Disbursement of Attorney's Fees Pursuant to Final Judgment [Rec. Doc. 22181]. On March 25, 2019, Krupnick Campbell Malone, et al, filed a Response to the [22181] Motion to Strike [Rec. Doc. 22183]. On April 2, 2019, the Yance Law Firm filed a Joinder in Some of the Relief Requested in Krupnick Campbell Malone Et Al's Motion for Immediate Disbursement of Attorneys Fees Pursuant to Final Judgment [Rec. Doc. 22205]. These matters were argued following the monthly status

conference on April 23, 2019. On May 16, 2019, the Court issued Order and Reasons [Rec. Doc. 22248].

On March 19, 2019, Parker Waichman, LLP, Baron & Budd, P.C., Milstein, Jackson, Fairchild & Wade, LLP and Gieger, Laborde & Laperouse, LLC filed a Motion to Tax Court Reporter Fees As Costs [Rec. Doc. 22166]. On March 26, 2019, Plaintiffs' Lead and Liaison Counsel filed an Opposition to Motion to Tax Court Reporter Fees As Costs [Rec. Doc. 22193]; and on March 27, 2019, Krupnick Campbell Malone filed a Joinder [Rec. Doc. 22194]. On April 1, 2019, Parker Waichman, et al, filed a Reply in Support of Motion to Tax Court Reporter Fees As Costs [Rec. Doc. 22203]. On May 22, 2019, the Court issued Order and Reasons [Rec. Doc. 22256] denying the motion.

On March 20, 2019, McCallum, Hoaglund, Cook & Irby, LLC and Gentle, Turner, Sexton & Harrison filed a Motion for Disbursement of Individually Retained Counels' Fees [Rec. Doc. 22168].

On March 20, 2019, Parker Waichman LLP filed a Motion for Partial Disbursement of Fees Awarded by the Court [Rec. Doc. 22170]. This matter is set for oral argument following the April 23, 2019 monthly status conference.

On April 1, 2019, Plaintiffs filed a Motion to Sever and Reserve Claims of Attorneys' Fees Relating to Louisiana *Amorin* Select Trial Plaintiff Cases [Rec. Doc. 22199].

On April 12, 2019, Settlement Administrator's Motion for Disbursement to the Internal Revenue Service from the Knauf Attorney Fee Fund was filed with the Court

by BrownGreer [Rec. Doc. 22215]. On April 23, 2019, the Court issued an Order [Rec. Doc. 22226] granting the motion.

IX. MATTERS SET FOR HEARING FOLLOWING THE CURRENT STATUS CONFERENCE

1. Plaintiffs' [20857], [20865] motions for class certification.

X. PHYSICAL EVIDENCE PRESERVATION ORDER

On October 9, 2009, the Court issued Pre-Trial Order 1(B) relating to the preservation of physical evidence from properties that may be repaired during the course of these MDL proceedings. Pre-Trial Order 1(I) was entered by the Court on January 24, 2012 [Rec. Doc. 12257] and on March 20, 2015 the Court entered Pre-Trial Order 1(J) [Rec. Doc. 18528].

XI. SUGGESTIONS OF REMAND AND SUBSEQUENT ACTIVITY

On June 6, 2018, the United States Judicial Panel on Multidistrict Litigation issued a Remand Order [Rec. Doc. 524] for certain plaintiffs in the *Amorin* action (1:11-22408) remanding the actions to the Southern District of Florida.

On March 11, 2019, the Court issued a Suggestion of Remand, Opinion and Order regarding the *Brooke* Florida Case [Rec. Doc. 22138] and a Suggestion of Remand, Opinion and Order regarding the *Brooke* Virginia Case [Rec. Doc. 22139]. On March 21, 2019, the Judicial Panel on Multidistrict Litigation (JPML) issued a Conditional Remand Order (CRO) remanding the Brooke Florida Case and the Brooke Virginia Case [JPML Rec. Doc. 554]. On March 21, 2019, the JPML issued a Text Only Notice as to its CRO allowing oppositions to be filed on or before March 28, 2019 [JPML Rec. Doc. 555]. On

March 29, 2019, the Conditional Remand Order was finalized by the JPML [JPML Rec. Doc. 556]. The Remand Order was issued by the United States District Court for the Eastern District of Louisiana on March 29, 2019 [Rec. Doc. 22198]. On April 11, 2019, a Notice of Compliance and Stipulation or Designation of the Contents of the Record or Part Thereof to be Remanded Pursuant to Rule 10.4 of the Rules of Procedure of the United States Judicial Panel on Multidistrict Litigation [Rec. Doc. 22211] was filed with the Court.

A. ACTIVITY IN THE SOUTHERN DISTRICT OF FLORIDA

Judge Marcia G. Cooke conducted a status conference on July 13, 2018 at 11:00 a.m. in the Miami Division of the United States District Court, Southern District of Florida. On August 10, 2018, a Joint Case Management Plan was filed with the United States District Court, Southern District of Florida.

On September 4, 2018, the PSC filed a Notice of Filing in Florida *Amorin* Case [Rec. Doc. 21756].

On September 24, 2018, the PSC filed two (2) Notices of Filing in Florida *Amorin* Case, one relating to Trial Plans [Rec. Doc. 21789] and one relating to Priority Claimants [Rec. Doc. 21790].

On October 1, 2018, the PSC filed two (2) Notices of Filing in Florida *Amorin* Case, one relating to Priority Claimant Submissions and Notice of Compliance (Fact Witnesses) [Rec. Doc. 21807] and one relating to Motion to Enforce Trial Rights and Motion to Reject Remediation Damages Formula [Rec. Doc. 21806].

On October 4, 2018, the PSC filed a Notice of Filing in Florida *Amorin* Case relating to Endorsed Order Setting Hearing and Requiring Briefing regarding Judge Fallon's findings of liability and application of his remediation formula [Rec. Doc. 21819].

On November 7, 2018, Judge Cooke conducted a hearing on the binding effect of MDL orders and remand. On November 16, 2018, the PSC filed a Notice of Filing Regarding Florida *Amorin* Case [Rec. Doc. 21933], which attached the Order of same date issued by Judge Cooke which "**ADOPTS <u>all</u>** of Judge Fallon's findings of facts and legal conclusions." That Order also adopted a Trial Plan which is proceeding on 2 tracks: remediation damages and individual trials on non-remediation damages for 20 Florida *Amorin* Priority Plaintiffs. All of the Florida *Amorin* Priority Plaintiffs' depositions concluded as of January 14 (the end of fact discovery). In addition, home inspections for certain Priority Plaintiffs were conducted and written discovery was answered. Plaintiffs' expert reports were submitted on February 15, 2019, and depositions of the plaintiffs' experts have concluded. On or about March 21, 2019, Defendants produced their expert reports. Discovery of Defendants' experts will be concluded by April 17, 2019. On or about April 29, 2019, Defendants filed *Daubert* motions and a motion for summary judgment with respect to the Priority Plaintiffs' claims. On or about April 29, 2019 Plaintiffs filed a motion to exclude Defendants' expert, Ben Nolan (home inspector). On May 13, 2019, Priority Plaintiffs responded to an Omnibus Motion for Summary Judgment and motions to strike Plaintiffs' experts Greenblatt, Elkin, and Graziano. On May 9, 2019, Judge Williams held an initial status conference on the remanded *Brooke* actions and has ordered that a Joint Scheduling Order be submitted by June 7, 2019.

Limited Product ID Discovery has proceeded before the Florida Special Master pursuant to the November 16, 2018 Order of Judge Cooke. The parties submitted a Joint Statement to the Court setting forth their positions, and on March 11, 2019, Taishan and Plaintiffs' counsel presented argument to the Special Master regarding Product Identificaton. On April 8, 2019, Special Master Tiffani Lee filed the Special Master's Report And Recommendation Regarding Product ID Categories Attributable To Taishan. By agreement of the parties and the Speical Master, Product ID Discovery for BNBM is not complete. The deposition of Taishan's Rule 30(b)(6) corporate designee, CHE Gang, was completed on January 22-23, 2019. The deposition of BNBM's Rule 30(b)(6) corporate designee on product ID will not proceed because the witness was unable to obtain a visa to travel to the United States and it was not feasible, given the Court's deadlines, to take the deposition in Hong Kong. The parties have agreed that the witness will answer written questions posed by the Plaintiffs, and then simultaneous briefing by the parties on the attribution of certain categories of Chinese drywall products to BNBM will occur by April 26, 2019. All of the depositions were cross-noticed for use in these proceedings and in the Eastern District of Virginia. On April 29, 2019, Plaintiffs filed objections to the Special Master's Report & Recommendation on Product ID with respect to Taishan categories of drywall.

On April 10-11, 2019, Special Master Tiffani Lee conducted two days of hearings on issues involving Contests & Setoffs. On May 6, 2019, the Special Master's First Report and Recommendation Regarding Defendants' Contests and Set-Offs was entered by the Court [FLSD 266] and on May 13, 2019, the Special Master's Second Report

and Recommendation Regarding Defendants' Contests and Set-Offs was entered by the Court [FLSD 268].

On February 13, 2019, Judge Cooke held a hearing on Plaintiffs' Motion & Memorandum of Law to Stay All Claims in the Florida *Amorin* Complaint that Relate to Properties Outside of Florida (*i.e.*, "Non-Florida Claims") and Taishan and BNBM PLC's Joint Motion to Dismiss Non-Florida Claims from Florida *Amorin*. On March 19, 2019, the Court issued an Order Staying Non-Florida Claims [FLSD 195].

On March 7, 2019, Plaintiffs' counsel Parker Waichman LLP; Milstein, Jackson, Fairchild & Wade, LLP; Whitfield, Bryson, & Mason LLP; Mracheck, Fitzgerald, Rose, Konopka, Thomas & Weiss, P.A. and Defendant Taishan filed a Joint Notice of Settlement Agreement [FLSD No. 187]. On March 14, 2019, Class Counsel filed a Motion to Protect the Amorin Class [FLSD No. 192]. On March 19, 2019, the Court issued an Order Striking Joint Notice of Settlement Agreement [FLSD 196]. On March 22, 2019, Settling Counsel, Taishan and BNBM filed Motions to Lift Stay of Settlement Agreement [FLSD No. 199]. On April 1, 2019, Class Counsel submitted a Response to the Motion to Lift Stay [FLSD No. 221]. On April 5, 2019, Settling Counsel Filed a Reply Brief in support of their Motion to Lift Stay [FLSD No. 227]. On April 8, Taishan filed a Reply Brief in support of its Motion to Lift Stay [FLSD 231], and BNBM filed a joinder [FLSD 232]. The matter remains pending.

On April 16, 2019, Plaintiffs' counsel filed a Notice of Mediation on behalf of all parties. [FLSD 235].

On June 6, 2019, the Court issued an Order in the *Amorin* case [FLSD 313] granting the Joint Motion for In Camera Review of Settlement Materials [FLSD 307], granting Plaintiffs' Motion and Incorporated Memorandum in Support of Motion to Lift Stay of Settlement Agreement [FLSD 199], and lifting the stay on the execution of the partial settlement agreement, and stayed the case until July 1, 2019. To allow the parties time to finalize the Global Settlement Agreement, and further ordering the parties to appear for a status conference on November 6, 2019 at 11:00 a.m. and continuing the trial date and other pre-trial deadlines. On June 11, 2019, a Paperless Order granting Joint Motion to Extend Stay through July 1, 2019 was granted in the *Brooke* case [FLSD Rec. Doc. 33].

B. ACTIVITY IN THE EASTERN DISTRICT OF VIRGINIA

On August 20, 2018, the Court issued a Suggestion of Remand, Opinion and Order [Rec. Doc. 21695] suggesting certain cases listed in the *Amorin, et al v. Taishan Gypsum Co., Ltd., et al*, 11-cv-1673 (ED. La.) be remanded to the transferor court in Virginia. On October 10, 2018, the JPML issued a finalized Conditional Remand Order regarding the Virginia *Amorin* case (JPML Document No. 547) (VAE/2:11-cv-00377) and the EDLA issued a Remand Order on the MDL docket [Rec. Doc. 21834]. On October 22, 2018, the PSC filed a Notice of Compliance and Stipulation or Designation of the Contents of the Record or Part Thereof to be Remanded Pursuant to Rule 10.4 of the Rules of Procedure of the United States Judicial Panel on Multidistrict Litigation [Rec. Doc. 21869]. On October 26, 2018, Defendants filed a Response to the PSC's Notice of Compliance and Stipulation or Designation of the Contents of the Record or Part Thereof to be Remanded

Pursuant to Rule 10.4 of the Rules of Procedure of the United States Judicial Panel on Multidistrict Litigation [Rec. Doc. 21886].

On December 18, 2018, Chief Judge Mark S. Davis conducted a Status Conference. Following that hearing, the Court issued a scheduling order requiring the parties to brief 1) a plan for resolution of the Virginia *Amorin* cases and 2) whether the court should give preclusive effect to the MDL Judge's prior findings of fact and conclusions of law, including application of remediation damages formula; the need for and extent of discovery, and rights with respect to same; the parties' proposed resolution plans and proposals for streamlining and efficiency; the parties' respective positions on who adjudicates or administrates issues, including jury trial rights; what proof is needed to prove property damage claims under Virginia law and any other claims the plaintiffs are pursuing; among other things. Plaintiffs filed their Plan for Resolution on January 18, 2019. The Defendants' response was filed on February 19, 2019, and Plaintiffs' reply was filed on February 26, 2019. On April 30, 2019, Judge Davis heard oral argument on the parties' competing proposals for resolution of the *Amorin* cases.

On May 16, 2019, the PSC filed a Notice of Filing in Virginia *Amorin* Case [Rec. Doc. 22245], filing the transcript from the April 30, 2019 hearing on the parties' competing proposals for resolution. On May 20, 2019, Judge Mark S. Davis entered a Memorandum Order regarding the "trial plan" for 175 "Virginia Plaintiffs" and the PSC filed a Notice of Filing of the Memorandum Order into the MDL on May 20, 2019 [Rec. Doc. 22253].

On May 28, 2019, the Court entered an Order Granting Amended Motion for a Limited Stay to Finalize the Settlement Agreement & Request for a Joint Status Conference Regarding Coordination for Approval of the Settlement [EDVA Rec. Doc. 92].

C. THE *MITCHELL* PROCEEDINGS

On September 20, 2018, Taishan filed a Motion to Remand *Mitchell* [Rec. Doc. 21786]. The matter is set for submission on October 10, 2018. On September 26, 2018, the Mitchell Company, Inc. filed a Response in Opposition to Taishan's Motion for Suggestion of Remand [Rec. Doc. 21792]. On October 4, 2018, Taishan filed a Motion to Set Briefing Schedule [Rec. Doc. 21821]. On October 10, 2018, Taishan filed a Reply [Rec. Doc. 21835].

On November 13, 2018, the Court issued an Order [Rec. Doc. 21917] with briefing and discovery deadlines. Depositions have been noticed and are in the process of being taken. On December 12, 2018, the Mitchell Company filed a Motion to Extend Deadlines [Rec. Doc. 21954] and on December 14, 2018, the Court issued an Order [Rec. Doc. 21960] granting the motion and setting a schedule for deadlines.

On February 18, 2019, Taishan filed a Motion to Strike Declaration of Dr Robert DeMott [Rec. Doc. 22105]. On March 11, 2019, Plaintiffs filed a Response to the Motion to Strike [Rec. Doc. 22137]. On March 11, 2019, the Court issued an Order outlining a briefing schedule and setting the matter for oral argument on April 17, 2019 [Rec. Doc. 22140]. On March 25, 2019, Taishan filed a Reply [Rec. Doc. 22184]. A hearing on the Motion to Strike was held on April 17, 2019. On April 18, 2019, the Court issued an Order [R. Doc. 22222] denying the motion as moot.

XII. NEXT STATUS CONFERENCE

The next monthly status conference is scheduled for July 25, 2019, at 9:00 a.m. The Court will also hold a pre-meeting in chambers at 8:30 a.m. This meeting shall be limited to Lead and Liason Counsel.

The following monthly status conference is scheduled for August 21, 2019 at 9:00 a.m. Conference call information is available on the Court's MDL website on the Calendar page.