

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

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IN RE: CHINESE-MANUFACTURED \* Docket No. 09-MDL-2047  
DRYWALL PRODUCTS LIABILITY \*  
LITIGATION \*

\* August 3, 2017  
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Relates to all cases \*  
\*

\* Section "L"  
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REPORTER'S OFFICIAL TRANSCRIPT OF THE  
STATUS CONFERENCE

BEFORE THE HONORABLE ELDON E. FALLON,  
UNITED STATES DISTRICT JUDGE.

REPORTED BY: Mary Thompson, RMR, FCRR  
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**APPEARANCES:**

For the Plaintiffs:

Levin, Sedran & Berman  
BY: ARNOLD LEVIN  
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Philadelphia, PA 19106

For the Defendants:

Baker Donelson Bearman  
Caldwell & Berkowitz  
BY: KERRY J. MILLER  
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New Orleans, LA 70112

Phelps Dunbar  
BY: HARRY ROSENBERG  
365 Canal Boulevard  
Ste. 2000  
New Orleans, LA 70130

1 P R O C E E D I N G S

2 (Call to order of the court.)

3 THE COURT: Be seated, please.

4 Good morning, ladies and gentlemen.

09:08:15 5 Call the case.

6 THE CASE MANAGER: MDL 2047, In Re: Chinese-  
7 Manufactured Drywall Products Liability Litigation.

8 THE COURT: Liaison counsel, make your appearances for  
9 the record, please.

09:08:25 10 MR. LEVIN: Arnold Levin substituting for Russ Herman,  
11 liaison counsel for the plaintiffs' steering committee.

12 MR. ROSENBERG: Good morning, Judge Fallon. Harry  
13 Rosenberg for CNBM, BNBM, and Taishan as liaison counsel,  
14 Your Honor.

09:08:41 15 MR. MILLER: Good morning, Judge. Kerry Miller,  
16 defense liaison counsel for the Knauf defendants.

17 THE COURT: This is our monthly status conference. I  
18 had an opportunity to meet with the lead liaison counsel for each  
19 side a moment ago. This is where we are in the litigation at  
09:08:57 20 this point.

21 The Knauf drywall defendant has pretty much completed  
22 their aspect. We've got a couple more cases. I have some cases  
23 on appeal from the special master, but by and large that aspect  
24 of the case is over with.

09:09:27 25 We have been focusing on the Taishan and other -- the

**OFFICIAL TRANSCRIPT**

1 defendants awhile now, but it's coming sort of to a head. We  
2 have a number of issues in that particular aspect of the case.

09:09:57 3 And I suggested to counsel that they get together with  
4 the small issues committee and list what the issues are. If they  
5 agree that those are the issues, then we're going to have to have  
6 a separate person on each of those issues to come up with some  
7 plan for dealing with the issues.

09:10:19 8 In addition, the plaintiffs will provide the defendants  
9 with a list of the plaintiffs, the address of the homes of the  
10 plaintiffs, and ownership of the homes of the plaintiffs so that  
11 we have some feeling and some information about who is involved  
12 in this particular aspect of the case.

09:10:46 13 Then we're going to have to have some discovery that is  
14 peculiar to the remaining defendants. Some of it has already  
15 been done, and that can be given to these defendants, but other  
16 discovery is still needed and we'll deal with that.

09:11:12 17 In the meantime, I'll be certifying some of the  
18 jurisdictional issues. That won't stop us. We'll go forward  
19 with it. The last time that I certified the matter, we had to  
20 kind of stop that aspect of the case while the circuit spoke.  
21 This time we're going to continue with that aspect of the case  
22 while the circuit is doing its job. And some of the matters I  
23 won't be certifying, but the jurisdictional aspects I will be.

09:11:42 24 Then if there are any cases that I can forward back to  
25 the district courts in the various states so that they can be

1 remanded to the state courts, I'll be doing so. There may be  
2 some discovery requirements even in those cases that may have to  
3 be done, but hopefully that can be done in an expedited manner.

09:12:09 4 We have got to try to finish a large aspect of the case  
5 this year because I do have some other cases that are beginning  
6 to take up my attention now.

7 Let me hear from the parties.

8 MR. LEVIN: Arnold Levin.

09:12:24 9 There's not much here, Your Honor. Your Honor told us  
10 in the liaison committee that you want us to get together and  
11 establish what the issues are. The plaintiffs do not want -- we  
12 know the Court is aware of this. We don't want the defendants to  
13 forget that there are motions pending on contempt damages,  
14 translations, confidentiality. We consider that a priority and  
09:12:46 15 we'll address that with the issues committee.

16 THE COURT: Uh-huh.

17 MR. LEVIN: Other than that, Your Honor gave us an  
18 October 12th meeting date as our October date. I believe  
19 September is September 8th.

09:12:59 20 MR. MILLER: September 8th.

21 THE COURT: Okay.

22 MR. LEVIN: Everything else is of great consequence but  
23 need not be stated here.

24 THE COURT: Okay.

09:13:08 25 Jake, do you have anything from the standpoint of

1 Knauf?

2 MR. WOODY: Good morning, Your Honor. Jake Woody from  
3 BrownGreer. I do have a quick update.

09:13:22

4 We have been able to, in the last month, close about  
5 250 Knauf claims. These are claims made by Knauf for  
6 reimbursement from the Global, Banner, and Inex accounts. We  
7 have about 95 of those types of claims remaining. I expect that  
8 we can close them within the next month.

09:13:43

9 I appreciate Knauf's help, especially Danny Dysart, to  
10 resolve these issues.

11 Once we have those closed, we'll be in a good position  
12 to wind down some of the open settlement funds, and I'll present  
13 the parties with a plan and procedure to do that probably within  
14 the next month.

09:13:58

15 THE COURT: Okay.

16 MR. WOODY: Thank you, Your Honor.

17 THE COURT: Thank you.

09:14:09

18 And, Harry, bird-dog the issue of lists of the  
19 claimants, because that's something that you need to have as  
20 quickly as you can.

21 MR. ROSENBERG: Yes, Your Honor.

22 THE COURT: The names of the plaintiffs, the location  
23 of their homes, the ownership of the homes, things of that  
24 nature.

09:14:18

25 MR. ROSENBERG: As Your Honor suggested, we'll have

1 small groups from each side get together and discuss those issues  
2 within the next fortnight while Your Honor is engaged in another  
3 matter outside of the state in trial.

4 THE COURT: Yes.

09:14:32 5 MR. ROSENBERG: And we'll work with, of course, PSC  
6 members.

7 THE COURT: Okay.

8 MR. LEVIN: Your Honor, at this time we just -- all of  
9 us collectively would like to thank Janelle.

09:14:41 10 THE COURT: Yes. This is Janelle's last meeting. As I  
11 mentioned to you all, she is going to go to the Fifth Circuit and  
12 give up the search for truth to search for error.

13 MR. LEVIN: We're very comfortable. Of course we're  
14 appellees in the Fifth Circuit always.

15 THE COURT: Right.

16 MR. LEVIN: But that's fake news.

17 THE COURT: Right.

18 And Jason Siu is going to be with us. Jason did his  
19 undergraduate at Georgetown and then his law degree in California  
09:15:13 20 at the University of California Berkley. He did a Fulbright in  
21 Macau and he'll do well. He has big shoes to fill, but I know  
22 his feet are big so he can fill them.

23 MR. LEVIN: He certainly didn't go to my high school.

24 Jason, welcome. You're the judge's next first  
09:15:37 25 sergeant.

1 MR. ROSENBERG: We would echo Arnie's comment as well.  
2 We appreciate working with Janelle and certainly wish her well  
3 across the street. It's another environment.

09:15:50

4 I know she's going to miss all of us and dealing with  
5 us on a regular basis, but that's probably why Jason is not  
6 smiling at the moment.

7 THE COURT: Right. That's right.  
8 Anything else from anybody?

9 MR. LEVIN: No, sir.

09:16:01

10 MR. ROSENBERG: No, Your Honor. Appreciate it.

11 THE COURT: Thank you very much.

12 (Proceedings adjourned.)

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**CERTIFICATE**

16

17 I hereby certify this 7th day of August, 2017, that the  
18 foregoing is, to the best of my ability and understanding, a true  
19 and correct transcript of the proceedings in the above-entitled  
20 matter.

21

22

*/s/ Mary V. Thompson*

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Official Court Reporter

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