

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

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

**THIS DOCUMENT RELATES TO *Germano, et al. v. Taishan Gypsum Co., Ltd., et al.*, Case No. 09-6687**

**DEFAULT JUDGMENT**

A preliminary default against Defendant Taishan Gypsum Co., Ltd, f/k/a Shandong Taihe Dongxin Co. Ltd. (“Taishan”) was issued by this Court on November 20, 2009. Rec. Doc. No. 487. Thereafter, on December 21, 2009, this Court granted intervention by the following Virginia homeowners to participate in the default proceedings: Deborah and William Morgan, Jerry and Inez Baldwin, Joe and Cathy Leach, Robert and Lisa Orlando, Fred and Vanessa Michaux, Preston and Rachel McKellar, and Steven and Elizabeth Heischober. Rec. Doc. No. 641. An evidentiary hearing for the assessment of damages as to these Intervening Plaintiffs was held on February 19 and 22, 2010, without prejudice to the answering defendants. See Rec. Doc. No. 546 (Consent Order). The Court issued Findings of Fact and Conclusions of Law on April 8, 2010. Rec. Doc. No. 2380.

Based upon the Findings of Fact and Conclusions of Law, and the current situation of the Plaintiff-intervenors, the Court finds that a default judgment against Taishan is appropriate. Accordingly, default judgment is hereby entered against Defendant Taishan Gypsum Co., Ltd, f/k/a Shandong Taihe Dongxin Co. Ltd. and in favor of the Intervening Plaintiffs as follows:

As to Plaintiff-intervenors William and Deborah Morgan, total damages caused by

Taishan, judgment in the amount of \$481,613.29; pre-judgment interest from May 1, 2009, to April 13, 2010, at a rate in accordance with Va. Code Ann. §6.1-330.54 in the amount of \$27,550.92, and post-judgment interest at the legal rate until paid and costs;

As to Plaintiff-intervenors Jerry and Inez Baldwin, total damages caused by Taishan, judgment in the amount of \$441,669.11; pre-judgment interest from May 1, 2009, to April 13, 2010, at a rate in accordance with Va. Code Ann. §6.1-330.54 in the amount of \$25,267.61, post-judgment interest at the legal rate until paid and costs;

As to Plaintiff-intervenors Joseph and Cathy Leach, total damages caused by Taishan, judgment in the amount of \$89,676.86; pre-judgment interest from May 1, 2009, to April 13, 2010, at a rate in accordance with Va. Code Ann. §6.1-330.54 in the amount of \$5,130.01, post-judgment interest at the legal rate until paid and costs;

As to Plaintiff-intervenors Bob and Lisa Orlando, total damages caused by Taishan, judgment in the amount of \$407,905.44; pre-judgment interest from May 1, 2009, to April 13, 2010, at a rate in accordance with Va. Code Ann. §6.1-330.54 in the amount of \$23,334.43, post-judgment interest at the legal rate until paid and costs;

As to Plaintiff-intervenors J. Frederick and Vanessa Michaux, total damages caused by Taishan, judgment in the amount of \$355,607.80; pre-judgment interest from May 1, 2009, to April 13, 2010, at a rate in accordance with Va. Code Ann. §6.1-330.54 in the amount of \$20,342.71, post-judgment interest at the legal rate until paid and costs;

As to Plaintiff-intervenors Preston and Rachel McKellar, total damages caused by Taishan, judgment in the amount of \$351,741.22; pre-judgment interest from May 1, 2009, to April 13, 2010, at a rate in accordance with Va. Code Ann. §6.1-330.54 in the amount of \$20,121.52, post-judgment interest at the legal rate until paid and costs;

As to Plaintiff-intervenors Steven and Elizabeth Heischober, total damages caused by Taishan, judgment in the amount of \$480,886.27; pre-judgment interest from May 1, 2009, to April 13, 2010, at a rate in accordance with Va. Code Ann. §6.1-330.54 in the amount of \$27,509.33, post-judgment interest at the legal rate until paid and costs;

Pursuant to the Virginia Consumer Protection Act (“VCPA”), Va. Code §59.1-204(B), the Court will award attorney’s fees and court costs to Intervening Plaintiffs’ counsel, the amount to be determined at a subsequent date. Accordingly, IT IS ORDERED that the Intervening-plaintiffs shall file a fee petition and supporting memorandum by May 24, 2010; any responses thereto shall be filed by May 28, 2010.

New Orleans, Louisiana, this 10<sup>th</sup> day of May, 2010.

A handwritten signature in cursive script that reads "Eldon E. Fallon". The signature is written in black ink and is positioned above a horizontal line.

ELDON E. FALLON  
UNITED STATES DISTRICT JUDGE