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1	UNITED STATES DISTRICT COURT		
2	EASTERN DISTRICT OF LOUISIANA		
3	*****		
4	IN RE: CHINESE-MANUFACTURED		
5	DRYWALL PRODUCTS LIABILITY LITIGATION		
6	CIVIL DOCKET NO. 09-MD-2047 "L"		
7	NEW ORLEANS, LOUISIANA WEDNESDAY, JUNE 19, 2019, 9:00 A.M.		
8			
9	THIS DOCUMENT RELATES TO ALL CASES		
10	***********************		
11 12			
12	TRANSCRIPT OF STATUS CONFERENCE PROCEEDINGS HEARD BEFORE THE HONORABLE ELDON E. FALLON UNITED STATES DISTRICT JUDGE		
14	UNITED STATES DISTRICT UDDGE		
15	APPEARANCES:		
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7	PROCEEDINGS RECORDED BY MECHANICAL STENOGRAPHY. TRANSCRIPT
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	6
1	P-R-O-C-E-E-D-I-N-G-S
2	WEDNESDAY, JUNE 19, 2019
3	MORNING SESSION
4	(COURT CALLED TO ORDER)
5	
6	
7	THE COURT: Okay. Dean, let's call the case, please.
8	THE DEPUTY CLERK: MDL No. 2047, In re: Chinese
9	Manufactured Drywall Products Liability Litigation.
10	THE COURT: Would Counsel make their appearance for the
11	record, please.
12	MR. ROSENBERG: Good morning, Judge Fallon.
13	Harry Rosenberg, liaison counsel for Taishan, BNBM and CNBM,
14	Your Honor.
15	MR. RUSS HERMAN: May it please the Court. Good
16	morning, Judge Fallon. I'm Russ Herman. I'm here for the PSC
17	as liaison counsel.
18	MR. MILLER: Kerry Miller is also here, Your Honor,
19	liaison counsel.
20	MR. RUSS HERMAN: Yes, you are. Glad to see you.
21	MR. MILLER: Good to see you, too, Russ.
22	MR. RUSS HERMAN: I just have very few reports to the
23	Court. Joint Report No. 112 in MDL Docket 2047 has been
24	distributed and filed of record, should anyone want to access
25	it.
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1 Jake Woody is here for BrownGreer. He has a 2 statement for the record. Jake. 3 MR. WOODY: Good morning, Judge Fallon. THE COURT: Good morning, Jake. 4 5 MR. WOODY: Jake Woody from BrownGreer. 6 I wanted to say just a quick word about attorneys' fees 7 and the administrative steps that we're taking to move forward 8 with that disbursement. 9 THE COURT: This is on the Knauf portion of the case. 10 MR. WOODY: Yes, Your Honor. 11 If you recall, in 2016, we sent a list of 12 properties and settlement payment amounts to every firm and 13 asked them to confirm that we had the right list. 14 We've refreshed that list to reflect payments 15 that we've made since then. We're going to send it back out to 16 every firm, ask that they review it carefully and make sure 17 that we have captured all the properties that they represent 18 and have the correct settlement amounts. Those amounts will be 19 used to calculate the individual fees on those properties. 20 We expect to send that out early next week, and 21 would ask that people -- we'll probably give a deadline of 22 about ten days to review it and get back to us on that. That 23 will give us the numbers that we need and the confirmation that we need to make those disbursements on the individual retained 24 25 attorneys.

Okay. By way of background, in this 1 THE COURT: 2 particular case, the Knauf case proceeded. After several 3 trials, we were able to work out a protocol. The protocol was 4 utilized in dealing with the damages. 5 The case was settled. The settlement included a 6 certain amount of taking care of the protocol; then, in 7 addition to that, it included attorneys' fees. The attorneys' 8 fees encompassed both the contract lawyers, as well as the 9 common benefit lawyers. 10 So, after the litigants had gotten paid, after 11 all of the property had been remediated and paid for, I then 12 focused on the attorneys' fees. The attorneys' fees were a 13 certain amount that was put in the registry of the Court by 14 Knauf. 15 I had to first write an opinion deciding the 16 appropriate split between the contract lawyers and the common 17 benefit lawyers. 18 After that was done, then I wrote another opinion 19 dealing with the disbursal of the fees for the common benefit 20 lawyers. We're talking now about the contract lawyers. 21 The contract lawyers have a certain portion of 22 the fee, and it is to be divided in accordance with the square 23 footage of the properties involved. That was long time 24 determined. 25 So, at this point, what Jake is doing is figuring OFFICIAL TRANSCRIPT

1 out the appropriate attorneys' fees for those attorneys who had 2 contracts with the owners of those particular properties. 3 Their fee will be determined by the square footage of the property. That's what we're doing at this point. 4 5 MR. WOODY: That's correct, Your Honor. 6 THE COURT: Thank you very much. 7 MR. WOODY: Thank you, sir. 8 MR. RUSS HERMAN: Your Honor, may it please the Court. 9 Sandy Duggan for the plaintiffs, Christy for Taishan, have a 10 report to the Court. Should be very brief. 11 MS. DUGGAN: Good morning, Your Honor. There is a stay 12 in place from the District Court proceedings in this Court, as 13 well as in the remand courts in Virginia and in Florida, 14 through July 1st. 15 The parties have been working diligently to 16 finalize a settlement agreement. We have been working around 17 the clock. We have had several meetings in person, numerous 18 telephones calls and exchange of e-mails. We believe that we 19 are on target to complete the settlement by July 1st with 20 regard to all of the principal terms. 21 The only thing that will probably be outstanding 22 at that point is the official signatures, chops, from the 23 Chinese defendants, which will take probably an additional 24 several weeks to complete. 25 MS. EIKHOFF: That is likely, Your Honor. It is a

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comprehensive, lengthy settlement agreement, as you can 1 2 imagine, for a class settlement of this magnitude. 3 Once we reached the terms -- or were nearly 4 complete on terms -- also, the whole thing had to be translated 5 by a law firm in China. That translation is supposed to be 6 done by the episode of this week. Then, once we have been 7 satisfied, among the lawyers, that we have agreement on terms, 8 then it will be need to go through the regulatory layers of 9 approval in China. 10 THE COURT: Now, we're talking at this point about the Taishan cases. You will recall that the group of manufacturers 11 12 in this particular litigation were a German-owned, wholly-owned 13 subsidiary of a Chinese corporation. That was the Knauf side 14 of the case. 15 In addition to the Knauf side of the case, there 16 was a Taishan side of the case, which included a number of 17 manufacturers, Chinese manufacturers. We have been discovering 18 that case and trying that case. We got to a point where it was 19 appropriate to begin remanding the case. 20 So I remanded several thousand of them to Florida 21 and then also several thousand to Virginia. With the good work 22 of the Florida judges, Judge Cooke and her colleague there, and 23 also the federal judge in Virginia, they were able to get the cases moving. The parties have now gotten together and have 24 25 reached an agreement in principle to resolve the Taishan cases.

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It's because of the good work of the lawyers 1 2 before me that it was able to be perfected, and I appreciate 3 all of their good work. We're in the process now of papering it and 4 5 putting some final touches on it. 6 MS. EIKHOFF: Your Honor, we have scheduled with your 7 law clerk an update call with you next week -- in about a 8 week's time, so that we can give you an update and have a 9 better sense then, in terms of extending the stay, the amount 10 of time that we may be needing to request. 11 THE COURT: I'm in contact with my colleagues in 12 Florida, as well as in Virginia, and all of us are anxious to 13 keep this case moving so that we can get it finished. 14 We have been here now for nine years in this 15 particular aspect of the case, and it's time to resolve it one 16 way or the other. So it's important that we keep in touch and 17 moving it. 18 MS. EIKHOFF: Yes, Your Honor. 19 THE COURT: Thank you very much. 20 MS. DUGGAN: We appreciate the Court's patience. Thank 21 you. 22 MR. RUSS HERMAN: Your Honor, I want to represent to 23 the Court that Richard Serpe, who is the plaintiff lawyer master of the Virginia litigation, is present in court. I also 24 25 want to acknowledge that your court-appointed facilitator, OFFICIAL TRANSCRIPT

Special Master Cal Mayo, is here, who has been involved in 1 resolution of all issues. 2 3 THE COURT: He has. He has been very helpful, particularly in the early part of this litigation. I know 4 5 he'll do a good job in the final part of it. I appreciate his 6 work. 7 MR. RUSS HERMAN: I note that a number of attorneys are 8 present who have not yet had opportunity to sign the sign-in 9 sheet. It's here, and I'll ask them, after this, and 10 Your Honor goes into recess, to sign the sheet. 11 I know that you have a matter afterwards. Ι 12 don't know if Kerry Miller has a report? 13 MR. MILLER: (Witness shakes head negatively.) 14 THE COURT: No. Okay. 15 MR. RUSS HERMAN: I understand that Mr. Faircloth is in 16 the courtroom and may want to address the Court. 17 MR. FAIRCLOTH: I have nothing to add, Your Honor. 18 THE COURT: Okay. Fine. Thank you very much. 19 MR. RUSS HERMAN: That, may it please the Court --20 THE COURT: The next status conference, then, is 21 July 25th, and the following one is August 21st. At 8:30, I'll 22 meet with the parties. 23 I'm not trying to keep anybody from my meetings. The meetings early on, I try to have a brief meeting with 24 25 liaison and lead counsel before the general meeting. OFFICIAL TRANSCRIPT

At that meeting, I just go over with them the 1 2 agenda and insert some matters that I would like them to deal 3 with in the agenda when it's taken up. I repeat everything 4 that I've said in that meeting. It's just a meeting that facilitates the general 5 meeting. It's not intended to impart any information. It's 6 7 simply facilitating it. 8 So I try to keep that as small as I can to make 9 it more efficient. If I have everybody in that first meeting, 10 then there is no reason to have a second meeting. I don't keep 11 anything from anyone from the first meeting. It's just a 12 facilitating meeting. That's the reason I try to limit it to 13 small amounts. 14 Okay. We'll take a break here then for five 15 Then I'll come back, and we'll deal with the class minutes. 16 certification motion. The Court will stand in recess. 17 THE DEPUTY CLERK: All rise. 18 (WHEREUPON, at 9:18 a.m., the proceedings were 19 concluded.) 20 21 22 23 24 25 OFFICIAL TRANSCRIPT

1	REPORTER'S CERTIFICATE
1 2	REPORTER 5 CERTIFICATE
3	I, Cathy Pepper, Certified Realtime Reporter, Registered
4	Merit Reporter, Certified Court Reporter in and for the State
5	of Louisiana, Official Court Reporter for the United States
6	District Court, Eastern District of Louisiana, do hereby
7	certify that the foregoing is a true and correct transcript to
8	the best of my ability and understanding from the record of the
9	proceedings in the above-entitled and numbered matter.
10	
11	s/Cathy Pepper
12	Cathy Pepper, CRR, RMR, CCR Certified Realtime Reporter
13	Registered Merit Reporter
14	Official Court Reporter United States District Court
15	Cathy_Pepper@laed.uscourts.gov
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