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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

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IN RE: CHINESE-MANUFACTURED  
DRYWALL PRODUCTS  
LIABILITY LITIGATION

CIVIL DOCKET NO. 09-MD-2047 "L"  
NEW ORLEANS, LOUISIANA  
THURSDAY, OCTOBER 20, 2016, 9:00 A.M.

08:58:43

THIS DOCUMENT RELATES TO  
ALL CASES

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TRANSCRIPT OF MONTHLY STATUS CONFERENCE PROCEEDINGS  
HEARD BEFORE THE HONORABLE ELDON E. FALLON  
UNITED STATES DISTRICT JUDGE

APPEARANCES:

FOR THE PLAINTIFFS'  
LIAISON COUNSEL:

LEVIN, FISHBEIN, SEDRAN & BERMAN  
BY: ARNOLD LEVIN, ESQUIRE  
SANDRA L. DUGGAN, ESQUIRE  
510 WALNUT STREET, SUITE 500  
PHILADELPHIA, PA 19106

GAINSBURGH BENJAMIN DAVID  
MEUNIER AND WARSHAUER  
BY: GERALD E. MEUNIER, ESQUIRE  
2800 ENERGY CENTRE  
1100 POYDRAS STREET, SUITE 2800  
NEW ORLEANS LA 70163

1 APPEARANCES CONTINUED:

2

3 FOR THE KNAUF  
4 LIAISON COUNSEL:

BAKER DONELSON BEARMAN  
CALDWELL & BERKOWITZ  
BY: KERRY J. MILLER, ESQUIRE  
DANIEL S. DYSART, ESQUIRE  
201 ST. CHARLES AVENUE, SUITE 3600  
NEW ORLEANS LA 70170

7

8 FOR THE TAISHAN, BNB  
9 ENTITIES AND CNBM ENTITIES  
10 LIAISON COUNSEL:

PHELPS DUNBAR  
BY: HARRY ROSENBERG, ESQUIRE  
365 CANAL STREET, SUITE 2000  
NEW ORLEANS, LA 70130

11

12

13 ALSO PRESENT:

SPECIAL MASTER DANIEL BALHOFF  
JAKE WOODY, BROWN GREER

14

15

TAYLOR MARTINO  
BY: RICHARD H. TAYLOR, ESQUIRE  
51 SAINT JOSEPH STREET  
MOBILE, AL 36601

16

17

HOLSTON VAUGHAN  
BY: RICHARD H. HOLSTON, ESQUIRE  
211 SOUTH CEDAR STREET  
MOBILE, AL 36601

18

19

20 OFFICIAL COURT REPORTER:

CATHY PEPPER, CRR, RMR, CCR  
CERTIFIED REALTIME REPORTER  
CERTIFIED MERIT REPORTER  
500 POYDRAS STREET, ROOM B-275  
NEW ORLEANS, LA 70130  
(504) 589-7779  
Cathy\_Pepper@laed.uscourts.gov

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**P-R-O-C-E-E-D-I-N-G-S**

THURSDAY, OCTOBER 20, 2016

M O R N I N G   S E S S I O N

(COURT CALLED TO ORDER)

09:00:34 6

09:00:34 7

THE DEPUTY CLERK: All rise.

09:00:35 8

THE COURT: Be seated, please. Good morning, ladies

09:00:53 9

and gentlemen.

09:00:53 10

VOICES: Good morning, Your Honor.

09:00:54 11

THE COURT: Call the case.

09:00:54 12

THE DEPUTY CLERK: MDL No. 2047, In Re:

09:00:59 13

Chinese-Manufactured Drywall Products Liability Litigation.

09:00:59 14

THE COURT: Counsel, make your appearances for the

09:01:03 15

record, please.

09:01:03 16

MR. LEVIN: Good morning, Your Honor. Arnold Levin,

09:01:05 17

for liaison counsel Russ Herman.

09:01:07 18

MR. ROSENBERG: Good morning, Judge Fallon.

09:01:10 19

Harry Rosenberg, liaison counsel for CNBM, BNBM, and Taishan,

09:01:16 20

Your Honor.

09:01:16 21

MR. MILLER: Good morning, Judge. Kerry Miller,

09:01:19 22

liaison counsel for Knauf.

09:01:21 23

THE COURT: We're here today for our monthly status

09:01:23 24

conference. I met with lead and liaison counsel a moment ago

09:01:26 25

to talk about the agenda. We don't have too much on the agenda

09:01:29 1 this morning. We have some motions following the agenda.

09:01:32 2 I'll take the agenda in the order given to me.

09:01:37 3 Any Pretrial Orders?

09:01:39 4 MR. LEVIN: Your Honor, the joint report has been  
09:01:41 5 filed, Joint Report Number 84. We have a date in November of  
09:01:47 6 Friday, the 18th, and in chambers, we discussed the date for  
09:01:50 7 December of Wednesday, December 21st, for the next conferences.

09:01:55 8 THE COURT: So the next conference is November 18th,  
09:01:57 9 and following that, December 21st.

09:01:59 10 MR. LEVIN: Yes, sir.

09:02:01 11 At this point, I believe it's only the motions  
09:02:04 12 that are at issue.

09:02:05 13 THE COURT: Okay. Any report on the --

09:02:13 14 THE DEPUTY CLERK: Are both of those at 9 o'clock?

09:02:17 15 THE COURT: Yes.

09:02:19 16 MR. WOODY: Good morning, Your Honor. Jake Woody from  
09:02:19 17 BrownGreer. I just have a very brief report.

09:02:19 18 Since the last status conference, we have been  
09:02:20 19 working on resolving claims made by Knauf against the GBI Fund  
09:02:25 20 pursuant to an assignment that they received when they  
09:02:26 21 remediated property.

09:02:28 22 We've been able to resolve about 200 of their  
09:02:31 23 claims, which is important because they are the final piece to  
09:02:34 24 allowing us to distribute the remainder of that money. I  
09:02:37 25 believe we're almost done. They filed a motion in the last few

09:02:40 1 days to extinguish some claims, which will also help.

09:02:45 2 THE COURT: Does that finish the Knauf matter, the  
09:02:50 3 payout?

09:02:50 4 MR. WOODY: It's not finished yet. It's almost  
09:02:53 5 finished. We have about a hundred other claims that we need to  
09:02:56 6 look at and verify the square footage and so forth.

09:02:59 7 Thank you, Your Honor.

09:03:01 8 THE COURT: Anything from Knauf?

09:03:01 9 MR. MILLER: Yes. Kerry Miller, again, Your Honor.

09:03:03 10 In that vein, Jake Woody just referenced a motion  
09:03:06 11 that Knauf filed a couple of days ago with respect to  
09:03:08 12 extinguishment and the closeout.

09:03:11 13 Danny Dysart is here, and he works with me.  
09:03:13 14 While we have people on the phone, we'd like to just highlight  
09:03:17 15 some of the important dates in that motion.

09:03:21 16 THE COURT: Okay.

09:03:21 17 MR. DYSART: Good morning, Your Honor. Danny Dysart on  
09:03:25 18 behalf of the Knauf defendants.

09:03:26 19 As Mr. Miller said, in connection with the  
09:03:28 20 statements at several previous status conferences and as part  
09:03:33 21 of the wrap-up of the Knauf class settlement, we're down to a  
09:03:38 22 fixed amount of claims -- or what we believe to be a fixed  
09:03:39 23 amount of claims.

09:03:40 24 As part of that, what we filed was a motion to  
09:03:43 25 extinguish the Knauf defendants' settlement obligations with

09:03:46 1 respect to the Knauf class settlement agreement, except for  
09:03:47 2 those claims that we have identified on two lists.

09:03:52 3 Those lists are found at Record Doc 20517. It's  
09:03:56 4 Exhibit A and Exhibit B. Those are the remaining claims that  
09:03:59 5 we are aware of as far as ARH claims or remediation program  
09:04:05 6 claims that need to be either resolved, remediated, or, if  
09:04:08 7 there is some issue with it, needs to go to the Special Master  
09:04:11 8 and be mediated with Mr. Balhoff.

09:04:13 9 The motion is currently set for submission on  
09:04:18 10 November 9. We would ask that if anyone believes that their  
09:04:21 11 claim is not listed on those two lists, and they should be, to  
09:04:24 12 notify Knauf counsel prior to that submission date.

09:04:28 13 At the November 18 status conference, if the  
09:04:31 14 lists are all settled, and there are no objections, Knauf would  
09:04:34 15 move at that time for an order extinguishing its obligations  
09:04:38 16 with respect to the settlement agreement, except for those  
09:04:41 17 claims listed on Exhibit A and Exhibit B.

09:04:43 18 THE COURT: You've already filed the motion.

09:04:43 19 MR. DYSART: Correct, Your Honor.

09:04:49 20 THE COURT: I just got it today. I'll post it on the  
09:04:50 21 website and give everybody notice, and we'll see what happens,  
09:04:54 22 whether there is a lot or a little or none. That will dictate  
09:04:58 23 as to whether or not we take it up at that time or we move it  
09:05:02 24 to another time.

09:05:02 25 But I want everybody to at least have notice that

09:05:05 1 this is going to extinguish the obligations of Knauf in  
09:05:11 2 connection with that settlement agreement, and then we'll see.

09:05:17 3 MR. DYSART: Thank you, Your Honor.

09:05:19 4 THE COURT: Thank you very much.

09:05:22 5 Anything from Taishan? Any report, Harry?

09:05:27 6 MR. ROSENBERG: No, Your Honor, nothing for today.

7 (WHEREUPON, at 9:05 a.m., the proceedings were  
8 concluded.)

9 \* \* \*

10  
11 REPORTER'S CERTIFICATE

12  
13 I, Cathy Pepper, Certified Realtime Reporter, Registered  
14 Merit Reporter, Certified Court Reporter in and for the State  
15 of Louisiana, Official Court Reporter for the United States  
16 District Court, Eastern District of Louisiana, do hereby  
17 certify that the foregoing is a true and correct transcript to  
18 the best of my ability and understanding from the record of the  
19 proceedings in the above-entitled and numbered matter.

20  
21 s/Cathy Pepper

22 Cathy Pepper, CRR, RMR, CCR  
23 Certified Realtime Reporter  
24 Registered Merit Reporter  
25 Official Court Reporter  
United States District Court  
Cathy\_Pepper@laed.uscourts.gov



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