

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

IN RE: CHINESE MANUFACTURED DRYWALL PRODUCTS LIABILITY LITIGATION

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: MDL NO. 2047
:
: SECTION: L
:
: JUDGE FALLON
: MAG. JUDGE WILKINSON
:

THIS DOCUMENT RELATES TO ALL CASES

PRETRIAL ORDER #12A

In this Court's Pretrial Order, dated August 24, 2009, the Court discussed the development of the Distributor Profile Form. From the proposals submitted by the parties, the Court constructed the attached Distributor Profile Form.

Accordingly, IT IS ORDERED that the attached Distributor Profile Form adopted by the Court be distributed to the appropriate parties and returned to Defendants' Liaison Counsel, Kerry Miller, on or before September 8, 2009. The forms shall be returned either electronically at kmiller@frilot.com, or in hard copy to Kerry Miller, Defendants' Liaison Counsel, Frilot L.L.C., 1100 Poydras Street, Suite 3700, New Orleans, Louisiana 70163.

New Orleans, Louisiana, this 24th day of August, 2009.



ELDON E. FALLON
UNITED STATES DISTRICT JUDGE

Attachments

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA**

IN RE: CHINESE MANUFACTURED DRYWALL PRODUCTS LIABILITY LITIGATION : MDL No. 2047
: Section L

This Document Relates to ALL CASES : JUDGE FALLON
: MAG. JUDGE WILKINSON

DISTRIBUTOR PROFILE FORM

All Defendant Drywall Distributors must complete and submit this Defendant Distributors' Profile Form. Additionally, each Defendant Drywall Distributor must sign and date Exhibit A to the Defendant Distributors' Profile Form for each property owned, rented or occupied by persons who are named Plaintiffs in suits pending in the MDL. The term "Chinese Drywall or Wallboard" encompasses all wallboard of Chinese origin or manufacture without reference to whether the particular wall board has been found to be defective. If additional knowledge becomes known after completion, this Defendant Distributors' Profile Form must be supplemented. If additional space is needed to answer any questions or complete your responses, additional pages may be attached. The questions contained within this Profile Form are non-objectionable and shall be answered without objection. By answering this Profile Form, you are not waiving the attorney work product and/or attorney client privileges. Similarly, by disclosing the identity of consultants, such consultants may remain non-testifying experts and are subject to all protections afforded by law. Please print legibly or type your responses in English.

I. IDENTIFICATION AND CONTACT INFORMATION

- A. Distributor's Name: _____
- B. Distributor's Address: _____
- C. Website: _____
- D. Headquarters if Foreign: _____
- E. Address of USA Headquarters: _____
- F. Name of supervisor at USA Headquarters: _____
- G. Principal Place of Business in USA: _____
- H. Has Distributor operated under any other names from 2001 to 2009? If so, please list and explain for each different locale.

I. Did Distributor also install Chinese Drywall? If so, describe involvement as installer.

II. COUNSEL INFORMATION OF DEFENDANT DISTRIBUTOR

- A. Name: _____
- B. Address: _____
- C. Phone Number: _____
- D. Fax Number: _____
- E. E-Mail: _____

III. DISTRIBUTOR'S PURCHASE OF CHINESE DRYWALL

For each purchase of Chinese Drywall between 2001 and 2009, please describe all sources from which Distributor purchased Chinese drywall, including manufacturers, exporters, importers, other distributors, sales agents, and/or sales brokers. Attach additional sheets as necessary.

- A. Source: _____
 - 1. Name of Chinese Drywall Manufacturer, if known:

 - 2. Address of Chinese Drywall Manufacturer, if known:

 - 3. Name of Chinese Drywall Product, if known:

 - 4. Dates of purchase(s): _____
 - 5. Total Volume of received Chinese Drywall product:

 - 6. Identify any markings on the Chinese Drywall product (e.g., lot number, batch number, serial number, color markings, UPC codes, etc.):

 - 7. List all trademarks of the product, if known:

8. The name and address of any importer, exporter, purchasing agent, or sales broker involved or referenced in any way with respect to your purchases of Chinese Drywall:

9. If known, prior to your receipt of or taking title to the Chinese Drywall, if any of your Chinese drywall was stored at any time by or for you at any location, identify the following:

Name of entity providing storage: _____

Address of entity providing storage: _____

Dates product was stored:
____/____/____ (Month / Day / Year) to ____/____/____ (Month / Day / Year)

Quantity of product stored: _____

Price paid for storage: _____

Name of contact person at storage facility: _____

Phone number: _____

Email address: _____

List any complaints made or received regarding storage of the product:

IV. DISTRIBUTOR'S ABILITY TO TRACK SHIPMENTS

Please state whether you are able to track the distribution of Chinese drywall? If yes, provide names and/or entities of those to whom you supplied Chinese drywall. If you cannot track the distribution of Chinese drywall, please provide a description of your distribution process, including a description of database accessibility of this information, and the name and address of the person or persons with knowledge of the same:

V. INSURANCE

A. Identify all policies of insurance, including all CGL, Product Liability, Builder's Risk, D&O and Excess insurance policies relating to claims.¹

1. For each policy, identify the following:

Insurer: _____

Dates policy in effect:

____/____/____ (Month / Day / Year) to ____/____/____ (Month / Day / Year)

Policy Number: _____

Type of Policy: _____

Insurance Agent _____

Policy Coverage Limits _____

CERTIFICATION

I declare under penalty of perjury under the laws of the United States of America and pursuant to 28 U.S.C. § 1746 that all information provided in this Defendant Manufacturers' Profile Form is true and correct to the best of my knowledge, and that I have supplied all of the documents requested in this declaration, to the extent that such documents are in my possession, custody or control.

Date

Entity
By: _____
Its: _____

¹ Listing policies does not purport to represent coverage status.

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PRODUCTS LIABILITY LITIGATION

: MDL No. 2047

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ALL CASES

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EXHIBIT A
DEFENDANT DISTRIBUTOR PROPERTY SPECIFIC DISCLOSURE FORM

Each Defendant Drywall Distributor must complete and sign a separate Exhibit A for each individual named Plaintiff with an action pending in the MDL Federal Court proceeding. The term “Chinese Drywall or Wallboard” encompasses all wallboard of Chinese origin or manufacturer without reference to whether the particular wallboard has been found to be defective. If additional knowledge becomes known after completion, this Defendant Distributors’ Profile Form must be supplemented. If additional space is needed to answer any questions or complete your responses, additional pages may be attached. In addition, if any attachments or documents are provided in response to any question, please identify the specific question within this Defendant Distributors’ Profile Form that relates to the specific attachment or document. The questions contained within this Profile Form are non-objectionable and shall be answered without objection. By answering this Profile Form, you are not waiving the attorney work product and/or attorney client privileges. Similarly, by disclosing the identity of consultants, such consultants may remain non-testifying experts and are subject to all protections afforded by law. Please print legibly or type your responses in English.

I. **INFORMATION ON NAMED PLAINTIFF PROPERTY OWNER, RENTER OR OCCUPANT (to be provided by Plaintiff, after which Defendant Distributor will have fifteen (15) days to return this form)**

- A. Name _____
- B. Address of Affected Property: _____
- C. MDL Case Docket No. _____

II. **INFORMATION ON SPECIFIC PROPERTIES**

- A. For each property identified in Section I above, answer the following:
1. Do you have any contracts or agreements concerning Chinese Drywall contained in the Property? Yes ____ No ____
 2. Did you issue any warranties for any Chinese drywall which may have been supplied? Yes ____ No ____ Don’t know ____
- A. 3. *Have you performed any inspection(s), testing or analysis of the Plaintiff’s property?*

B. Yes _____ No _____

C. *If yes, provide the following information:*

D. *Who performed the inspection, testing or analysis?*

E. *When was the inspection, testing or analysis?*

F. _____

G. *Did the inspection, testing or analysis confirm the presence of Chinese Drywall in this property?*

H. Yes ____ No ____

I. *As a result of the inspection, were you able to make a determination of the amount and/or percentage of Chinese drywall contained in the subject property? Yes ____ No ____*

J. *If yes, what amount or percentage of Chinese Drywall was found?* _____

K. 4. *Are you able to determine any of the following information for the subject property:*

L. a. *Manufacturer(s) of the Chinese Drywall* _____

M. b. *Importer/Distributor into the US*

N. _____

O. c. *Builder/Developer*

P. _____

Q. d. *Installer/Contractor*

R. _____

S.

T. 5. *Have any samples of Chinese drywall been taken from the Plaintiff's property?*

U. Yes _____ No _____

V. *If yes, provide the following information:*

W. *Name and address of entity that has possession of the samples:*

X. **6. Have any written statements been taken in connection with Plaintiff's property or claim?**

Y. Yes _____ No _____

Z. **If yes, provide the following information:**

Who provided the statement?

AA. _____

BB. CERTIFICATION

CC. **I declare under penalty of perjury under the laws of the United States of America and pursuant to 28 U.S.C. § 1746 that all information provided in this Defendant Manufacturers' Profile Form is true and correct to the best of my knowledge, and that I have supplied all of the documents requested in this declaration, to the extent that such documents are in my possession, custody or control.**

Date

Entity

By: _____

Its: _____