

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF LOUISIANA

In re: CHINESE-MANUFACTURED	*	MDL Docket No. 2047
DRYWALL PRODUCTS	*	
LIABILITY LITIGATION	*	SECTION L
	*	
	*	JUDGE FALLON
THIS RELATES TO ALL CASES	*	
	*	MAG. JUDGE WILKINSON

PRETRIAL ORDER # 17

RECOGNIZING AND CONFIRMING KPT’S AGREEMENT TO ACCEPT SERVICE OF PSC’S OMNIBUS CLASS ACTION COMPLAINT

The Court has been advised by Kerry Miller, counsel for Knauf Plasterboard (Tianjin) Co., Ltd (“KPT”) and Plaintiffs’ lead counsel, Arnold Levin, that in order to assist in the consolidation and efficient handling of claims by affected homeowners, defendant KPT has agreed to accept service of process for homeowner plaintiffs who are to be named in an Omnibus Class Action Complaint and waive its right to demand service of process through the Hague Convention. The Omnibus Class Action Complaint is to be filed in this Court on or before December 9, 2009 by the Court appointed PSC against KPT and other defendants who were involved in the manufacture, sale, importation, brokerage, distribution, construction and installation of homes containing KPT drywall and any others who were involved in the stream of commerce for the KPT drywall.

By agreeing to accept service as set forth herein, KPT does not waive any defenses, including jurisdiction to the Omnibus Class Action Complaint. To be eligible for inclusion in this Omnibus Class Action Complaint and the service waiver, claimants and counsel representing homeowners must provide, by no later than December 2, 2009, sufficient indicia that the homes in question contain KPT drywall (e.g., photographs, samples, visual inspections or reports identifying KPT markings on drywall in the home) to Plaintiffs Lead Counsel, Arnold Levin of Levin, Fishbein, Sedran & Berman, 510 Walnut Street, Suite 500, Philadelphia, PA 19106 (Telephone No. 215-592-1500, Fax No. 215-592-4663, E-mail alevin@lfsblaw.com). Plaintiffs included in the Omnibus Class Action Complaint must also submit by December 14, 2009, a fully completed and executed Plaintiff Profile Form, if not already submitted, in accordance with PTO #11, to Plaintiffs' Liaison Counsel, Russ Herman, either electronically to drywall@hhkc.com, or in hard copy to, Russ M. Herman, Plaintiffs' Liaison Counsel, Herman, Herman, Katz & Cotlar, L.L.P. 820 O'Keefe Ave., New Orleans, LA 70113.

This agreement to accept service of the Omnibus Class Action Complaint is only available to those who become parties to the Omnibus Class Action Complaint who meet the eligibility and notification requirements set forth above. KPT will not agree to waive its right to effectuate service through the Hague Convention in any civil action other than the PSC's Omnibus Class Action Complaint. The Omnibus Class Action Complaint may not be amended to add additional claimants at a later date. If a claimant does not participate in the Omnibus Class Action Complaint and seeks to proceed in another action against KPT, this Court will not consider any requests for extensions of time to effectuate service against KPT and dismissals for want of prosecution or for failure to effectuate service against KPT will be entered in other actions, where appropriate upon proper notice and opportunity to be heard.

The Court will conduct a telephonic conference in which the Court will speak to the issues germane to this Order on November 4, 2009 at 11:00 a.m. CST. The dial-in phone number is (866) 213-7163; the conference ID number is 39396867.

New Orleans, Louisiana this 2nd day of November, 2009

A handwritten signature in black ink that reads "Eldon E. Fallon". The signature is written in a cursive style with a large initial "E" and a long, sweeping underline.

HONORABLE ELDON E. FALLON

