

## Howard Ehrsam

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**From:** Express Email Marketing [mailer\_response@emailcounts.com] on behalf of Chinese Drywall Screening LLC [Howard@chinesedrywallscreening.com]  
**Sent:** Sunday, November 08, 2009 10:29 AM  
**To:** Howard@chinesedrywallscreening.com  
**Subject:** Major Deadline in Suit Regarding Knauf Drywall

### Chinese Drywall News Alert



#### Note from the sender:

Greetings:

I wanted to send this out to make sure all those affected by tainted Chinese drywall knew about the Dec 2nd deadline to "shortcut" the complaint filing against Knauf. If you have Knauf manufactured drywall, they are allowing a shortcut of sorts in filing a complaint against them. Details are in the article to the right.

I recommend that you contact your attorney for their recommended course of action.

I will be sending out some notes of the Symposium later in a separate email.

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#### News Article:

Major deadline in suit on drywall

By Aaron Kessler  
November 5, 2009

Homeowners in Florida and across the country whose homes were built with contaminated Chinese drywall manufactured by Knauf Plasterboard Tianjin Co. Ltd. will have a serious decision to make -- and quickly.

One of the biggest challenges for those attempting to sue Knauf Tianjin and other Chinese drywall makers has been the enormous burden of formally serving the company with their lawsuits in China. Doing so is needed to proceed with a case.

But a deal struck this week by the company and attorneys representing homeowners in the multidistrict litigation being heard in New Orleans means the drywall maker has temporarily agreed to waive those laborious requirements.

The catch: Homeowners have to sign up by Dec. 2 if they want to be included.

That is because an omnibus class-action-style complaint is being drafted, and it is only that complaint that Knauf Tianjin has agreed to accept.

"It's a one-time opportunity, and it gives the parties who wish to join in that complaint an opportunity to have service accepted, rather than to have to go through the Hague convention, which as we know it is costly and time-consuming," said Judge Eldon E. Fallon, who is overseeing the litigation, during a conference call on Wednesday. Fallon gave his blessing to the deal as a way to prevent further delays.

Kerry Miller, the liaison counsel for the defendants and who also represents Knauf, said the company had no plans to make such an offer again: "It is my client's intention to accept service only one time."

The deadline leaves only weeks for homeowners on the fence to make up their minds. While many already have filed suits, many others have not, preferring to take a wait-and-see approach. Meanwhile, some are just realizing they have a problem, with more homes being discovered every week.

Just last month, for example, two homes with Knauf Tianjin drywall were discovered in local home builder Lee Wetherington's Willow Chase development in Nokomis.

Scott Weinstein, a Fort Myers attorney who sits on the Plaintiff's Steering Committee, said time is of the essence.

"It's imperative for any consumer who knows or believes that he or she has Knauf Tianjin drywall to get into the system now," Weinstein said.

"They need to document the presence of the drywall now, so they can meet the deadline."

Darren Inverso, who represents Lakewood Ranch homeowner Kristin Culliton, said she and other clients who have Knauf Tianjin drywall will be joining the omnibus complaint.

Despite the publicity about Chinese drywall, not all homeowners even know about it, and the upcoming season may bring in a crop of snowbirds returning to their homes for the first time since learning of the issue.

For now, though, the omnibus complaint may be the best chance for affected owners to move forward. The consolidated complaint will resemble a class-action in style, but will not at this point involve a certified class, Weinstein said. Instead, it will include each individual homeowner with Knauf Tianjin.

"We intend to answer each of these claimants as individuals," he said. "We realize this is not one of these common cases where the loss is five dollars or two dollars."

Meanwhile, in Washington on Wednesday a bipartisan group of six U.S. senators from Florida, Louisiana and Virginia introduced a resolution calling on lenders to offer affected homeowners a temporary freeze on their mortgage payments.

The proposal was sponsored by both Florida Senators, Bill Nelson and George LeMieux, marking the first public action by LeMieux on the issue since he took office earlier this year. While Nelson has largely led the charge, LeMieux's predecessor, Mel Martinez, had essentially been absent from the debate prior to his retirement.

[http://www.heraldtribune.com/article/20091105/ARTICLE/911051056/2107/BUSINESS?Title=Major deadline-in-suit-on-drywall](http://www.heraldtribune.com/article/20091105/ARTICLE/911051056/2107/BUSINESS?Title=Major%20deadline-in-suit-on-drywall)

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