

Chinese Drywall Litigation

June 18, 2009 | The Ritz-Carlton, New Orleans

CONFERENCE CHAIRS:

Bruce Steckler, Esq., Baron & Budd, P.C., Dallas
 Stephen Mysliwicz, Esq., DLA Piper, Washington, D.C.



MEETING ROOM: LAFAYETTE EAST

- 7:30 Registration & Continental Breakfast
- 8:00 Introduction and Opening Remarks
- 8:15 Chinese Drywall Overview
- What is it, when did it become a problem and why?
 - Who is manufacturing and distributing the tainted drywall, and will we see toxic drywall from domestic manufacturers?
 - The key builders who used the product
 - Agency reactions and the larger impact Chinese drywall presents for the housing and construction industry, nationally and regionally
 - Likelihood and the impact of a CPSC recall
- Michael Ryan, Esq., Krupnick Campbell Malone Buser Slama Hancock Liberman and McKee, Fort Lauderdale, FL
 Sheila Raffery Wiggins, Esq., Duane Morris LLP, Newark, NJ
 Glenn Cambre, Esq., Deputy Assistant Secretary of the Office of Public Health, Louisiana Department of Health and Hospitals, and Executive Director of the Center for Environmental Health Services, Baton Rouge, LA
- 9:15 State and Federal Legislative and Regulatory Developments
- Status of the foreign manufacturing bill
 - Other state and federal initiatives regarding Chinese drywall
- Melissa Hutts, Esq., Baron & Budd, P.C., Dallas
 Jeremy Alters, Esq., Alters, Boldt, Brown, Rash & Culmo, P.A., Miami
- 10:00 Morning Break
- 10:15 The Property Damage Caused by Chinese Drywall
- Identifying the problem: confounding factors, product identification issues and the required tests
 - Building damage: what Chinese drywall is doing to the construction it was used in
 - Property damage: what Chinese drywall is doing to other home appliances
 - The detailed analysis of remediation:
 - Determining what to remove, project scope and avoiding unnecessary costs
 - The cost to remove Chinese drywall
 - Assessing the potential costs nationwide: damages projections for construction remediation and rebuilds in the 13 confirmed states
 - What other dangerous substances may be hidden in Chinese drywall that you should be aware of?
- Russell Nassof, Esq., Principal, TRC, Phoenix
 Paul Phillips, PE, Rimkus Consulting Group, Inc., Houston
 Eric Winegar, PhD, QEP, Principal, Applied Measurement Science, Fair Oaks, CA
- 11:30 Chinese Drywall-Insurance Coverage Nightmare
- The big coverage disputes, trigger issues, endorsements and exclusions to come into play
 - The kinds of policies providing coverage for both first and third party claims
 - Additional insured issues
 - Subrogation opportunities
- Lorelie Masters, Esq., Jenner & Block LLP, Washington, D.C.
 Stephen Mysliwicz, Esq., DLA Piper, Washington, D.C.
 Veronica Bates, Esq., Hermes Sargent Bates, L.L.P., Dallas
 Robert Stickley, Esq., Nelson Levine de Luca & Horst, Blue Bell, PA
- 12:45 Networking Luncheon - LAFAYETTE WEST

- 1:45 Liability Issues - Builder vs. Distributor vs. Manufacturer
- An examination of the builder's role in the Chinese drywall litigations
 - Liability closer to the source: the manufacturer and distributor liability - who has already been sued and who stands to be brought into the fray
 - What does a viable case look like and how do these parties defend against it
 - Possible indemnity claims for defendants and how to pursue them
 - Real estate law: state law actions against builders update - Texas, Florida, Louisiana, Virginia, and California
- Hugh Turner, Esq., Akerman Senterfitt, Fort Lauderdale, FL
 Robert Brown III, Esq., Alters, Boldt, Brown, Rash & Culmo, P.A., Miami
- 2:45 Bankruptcy and Other Financial Concerns for the Already Hard-Hit Construction and Real Estate Market
- WCI has already filed bankruptcy, who is next?
 - What does bankruptcy mean for homeowner claims and creditors?
 - Chinese drywall's impact on mortgage servicing companies and similar financial institutions
 - Will forbearance be an option for homeowners?
 - What are the real estate market value implications of Chinese drywall and how valuations impact home owners?
 - How do we separate drywall stigma from overall recession meltdown?
 - How can mass appraisal be applied in class action cases?
- Sandy Esserman, Esq., Stutzman, Bromberg, Esserman & Plifka, Dallas
 John Kilpatrick, PhD, Chief Executive Officer, Greenfield Advisors, Seattle
- 3:45 Afternoon Break
- 4:00 Class Action and MDL Update
- MDL Issues - Commonality and the status of the cases
 - Where have class actions been filed, against whom and what is the status of the pending cases?
 - Do you want to be part of or defending against a class action suit?
- Arnold Levin, Esq., Levin, Fishbein, Sedran & Berman, Philadelphia
 Ervin Gonzalez, Esq., Colson Hicks Eidson, Coral Gables, FL
 Richard Lewis, Esq., Hausfeld LLP, Washington, D.C.
 William Schuette, Esq., Jones Walker, Baton Rouge, LA
- 4:45 Health Damages Caused By Chinese Drywall
- What is toxicity: the dose that makes the poison, public risk vs. personal risk; and the distinction between regulatory and human toxicology
 - What needs to be proven, in order to establish toxicity and distinguishing hazard perception from toxicity
 - What is known today: the levels of hydrogen sulfide/strontium and other toxic emissions from Chinese drywall that are known concerns today
 - Does Chinese drywall pose health concerns for homeowners and to what extent?
 - Unique issues for certain class parties (elderly, children and those with heightened sensitivities)
 - The level of severity of the health risks
 - What is unknown about tomorrow: possible longer terms effects of these emissions, where does the medical research stand today and what is planned tomorrow?
 - How is Chinese drywall more dangerous than domestic drywall and how do you know if your case involves dangerous drywall?
 - The medical damages: the potential costs for medical care and analysis/projection of medical damages defendants face
- Patricia Williams, PhD, DABT, President, Environmental Toxicology Experts, LLC, Metairie, LA
 Barbara Manis, MD, Chief Medical Officer, Building Health Sciences, a division of The NMAS Group, Rockville, MD
- 5:45 Networking Reception - BARONNE



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