

Frilot Attorney Appointed by Federal Court as Liaison Counsel for Defendants in Chinese Drywall MDL

In re: Chinese Manufactured Drywall Products Liability Litigation (MDL 2047) pertains to claims by homeowners nationwide for damages allegedly caused by defective drywall manufactured in China. To date, several hundred lawsuits have been filed in several states against dozens of defendants. In June 2009, the United States Judicial Panel on Multi-District Litigation ordered the consolidation of MDL 2047 in the United States District Court for the Eastern District of Louisiana before Judge Eldon E. Fallon, an experienced jurist who has handled several large multi-district litigation cases.

In early 2009, Frilot L.L.C. was retained to represent the interests of a Chinese drywall manufacturer. In addition, **Kerry J. Miller**, Frilot's class action and mass tort practice area leader, was appointed Defense Liaison Counsel by Judge Eldon E. Fallon. As Defense Liaison Counsel, Mr. Miller is responsible for carrying out the administrative functions of the defense, and for the coordination of the defendant groups, including brokers, drywall suppliers, distributors, and manufacturers .

Frilot and Mr. Miller have carved a niche practice in representing defendants in MDL, mass tort/class action, and complex litigation proceedings and have been involved in leadership roles in several major cases in Louisiana and nationally in recent years. The proceedings set forth below are illustrative of Frilot's experience and expertise in class action/mass tort and complex litigation matters:

- ***Castellanos-Contreras v. Decatur Hotels, LLC, 559 F.3d 332 (5th Cir. 2009)*** (Dismissal of class action case in which foreign guest workers brought claims against hotel pursuant to the Free Labor Standards Act);
- ***Ancar v. Murphy Oil USA, Inc., et al., 2008 WL 2951794 (E.D. La. 2008)*** (Denial of class certification based upon varying degrees of possible injuries to approximately 6,600 plaintiffs during fire at Murphy refinery in 2003);
- ***FEMA Trailer Formaldehyde Products Liability Litigation (MDL #1873), 07-1873 (E.D. La. 2007)*** (Mass tort MDL in which plaintiffs claim that trailers supplied by FEMA following Hurricanes Katrina and Rita emitted dangerous levels of formaldehyde. Frilot is defending one of the largest Individual Assistance/Technical Assistance Contractors);
- ***Abadie, et al v. Metropolitan Life Insurance Company, et al., case no. 04-611 (M.D. La. 2006)*** (Trial and appeal of the cumulated claims of the 129 plaintiffs claiming asbestos related personal injuries. This was the largest group of asbestos personal injury plaintiffs ever to proceed to verdict in the State of Louisiana);
- ***In re: Katrina Canal Breaches Litigation, case no. 05-4182 (E.D. La. 2005)*** (Mass tort litigation in which firm represents individuals and entities for damages due to the failure of the New Orleans levee system during Hurricane Katrina);

- ***In re: Leblanc, case no. 05-1664 (E.D. La. 2005)*** (Class action cases in which plaintiffs alleged exposure to toxic fumes released from a transportation facility. Cases were dismissed pursuant to Rule 12(c) motion);
- ***In re: Kirby Inland Marine, L.P., case no. 04-611 (M.D. La. 2004)*** (Firm represented defendant in a series of class actions claims related to benzene exposure. Firm won several motions limiting the size of the class, and cases were ultimately settled on terms favorable to the client);
- ***Marianne S. James, et al v. John N. Kent, DDS, et al., case no. 03-0504 (La. 4/25/03)*** (National class action in which Frilot lawyers persuaded state court judge to dismiss 650 class claims against LSU for allegedly hiding study results in connection with TMJ implants);
- ***Lizana, et al. v. E.I. Dupont de Nemours Corp., et al., case no. 02-376 (Miss. 2002)*** (Mass tort case involving thousands of claims of alleged exposure to PCBs and dioxins. Firm represented Waste Management);
- ***Ardoin, et al. v. Stine Lumber Co., et al., case no. 01-2610 (W.D. La. 2001)*** (Class action alleging that copper chromated arsenic (CCA) from treated lumber leached into the surrounding soil and environment. Class certification was denied by the court because commonality, typicality and adequacy of representations requirements were not met. Firm represented largest manufacturer of lumber treated with CCA);
- ***Benoit ex rel. Hebert v. Nintendo of America, Inc., case no. 01-674 (W.D. La. 2001)*** (Class actions alleging that defendant's video games caused seizures. Case dismissed with payments made to no one except minimal trust funds monies to two children);
- ***In re: Phenylpropanolamine (PPA) Products Liability Litigation (MDL #1407), 01-1407 (W.D. Wash. 2001)*** (MDL case in which plaintiffs alleged PPA contained within the diet drug Dexatrim caused strokes. Frilot represented one of the diet drug manufacturers);
- ***Byone v. Monsanto, case no. 01-30058 (W.D. La. 2001)*** (First class action filed involving transgenic properties in soybeans. Class certification was denied. Mr. Miller was interviewed by New York Times following class action denial);
- ***In re Harvey Term, case no. 01-8708 (La. 2001)*** (Trial court, denied class certification for approximately 500 plaintiffs who were allegedly exposed to NORM released into the environment due to pipe cleaning operations. Firm represented Chevron.);
- ***Paul Heilman, et al v. Perfection, case no. 99-0679 (W.D. Mo. 2000)*** (National class action against water heater manufacturers in which 14,000,000 class member claims were settled. Mr. Miller was lead counsel for water heater industry);
- ***Riley, et al v. Norfolk Southern, et al., case no. 02-8256 (C.D.C. La. 2002)*** (Denial of class certification based upon varying exposures to chlorine gas after spill from tank car); and
- ***Ford v. Murphy Oil USA, Inc., et al., 703 So.2d 542 (La. 1997)*** (Lead counsel in case and successfully defeated class claims brought against petroleum refineries. In doing so, Frilot lawyers persuaded the Louisiana Supreme Court to adopt federal class action precepts for Louisiana state class actions).