



Jan 10 2012
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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

IN RE: CHINESE-MANUFACTURED DRYWALL PRODUCTS LIABILITY LITIGATION	MDL NO. 2047 SECTION: L JUDGE FALLON MAG. JUDGE WILKINSON
THIS DOCUMENT RELATES TO: <i>Pate v. American International Specialty Lines Insurance Company, et al.</i> (09-7791)	

**PLAINTIFF ROBERT C. PATE'S MEMORANDUM IN
SUPPORT OF ITS MOTION TO LIFT THE STAY**

MAY IT PLEASE THE COURT:

Plaintiff Robert C. Pate, as Trustee for the WCI Chinese Drywall Trust (the "Trust"), submits the following memorandum in support of its Motion to Lift the Stay;

The Trust has filed motions for summary judgment on the pollution exclusion and concerning insurance coverage trigger which are pending before this Honorable Court. The Trust believes it is essential that these motions be set for hearing by the Court and ruled upon for the efficient progress of the litigation. Accordingly, the Trust respectfully requests that the stay in this matter be lifted as to the following pending motions:

1. Plaintiff Robert C. Pate's and the Plaintiffs' Steering Committee's Motion for Partial Summary Judgment on the Pollution Exclusion [Document #7343].
2. Plaintiff Robert C. Pate's and the Plaintiffs' Steering Committee's Motion for Partial Summary Judgment Concerning Insurance Coverage Trigger Theory [Document #7710].

The Trust appreciates that the Court may have stayed the insurance coverage action so that mediation might proceed toward a mutually acceptable

resolution. Regrettably, nothing whatsoever is happening to move forward with a global mediation of the insurance coverage action.

Since this Court stayed the insurance coverage action ten months ago last March, no global mediation of the insurance coverage action has been held.

There is no global mediation of the insurance coverage action scheduled.

There is no global mediation of the insurance coverage action being set up.

No date. No location. No notification of participants. No contact of all global insurance coverage participants. Silence.

Since the Court stayed this insurance coverage action, policyholders have been left in a purgatory in the insurance coverage action with no action advancing a global resolution of the insurance coverage action whatsoever.

The Trust has no alternative but to ask this Court for relief to lift the stay to permit resolution of central issues separating the parties in the insurance coverage action.

The Court has previously granted a similar motion to lift the stay and hear argument on motions presented by the PSC. See Minute Entry of September 12, 2010.

The Trust respectfully requests that the Court schedule argument on the foregoing motions following the monthly status conference scheduled for January 26, 2012, or at a time set by the Court.

Respectfully submitted,

Dated: January 10, 2012

/s/ Anna M. Piazza

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