

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: DOMESTIC DRYWALL
ANTITRUST LITIGATION

MDL No. 2437

13-MD-2437

THIS DOCUMENT RELATES TO:

All Actions

**REQUEST FOR INTERNATIONAL JUDICIAL ASSISTANCE PURSUANT TO THE
HAGUE CONVENTION ON THE TAKING OF EVIDENCE ABROAD IN CIVIL OR
COMMERCIAL MATTERS**

IDENTITY AND ADDRESS OF THE APPLICANT:

The Honorable Michael M. Baylson
United States District Court
Eastern District of Pennsylvania
2609 U.S. Courthouse
601 Market Street
Philadelphia, PA 19106-1797
USA

CENTRAL AUTHORITY OF THE RECEIVING STATE:

Directorate-General of Legal Affairs, Ministry of Foreign Affairs
Plaza Juárez No. 20
Planta Baja Edificio Tlatelolco
Colonia Centro
Delegación Cuauhtémoc
C.P. 06010, Mexico, Distrito Federal

In conformity with Article 3 of Hague Convention #20, the undersigned applicant has the honor and judicial authority to submit this request on behalf of Defendant, American Gypsum Company LLC, in the above-entitled action.

The United State District Court, by and through the Honorable Michael M. Baylson, Judge for the United States District Court, Eastern District of Pennsylvania, presents its compliments to the judicial authorities of Mexico and requests international judicial assistance to obtain evidence to be used in a civil proceeding before this court in the above captioned matter.

This court has imposed a Protective Order (Dkt. No. 56) (attached as Exhibit A) to this case and any evidence produced in response to this request shall be confidentially protected in accordance with the terms of this Protective Order.

In accordance with Article 9 of the Convention, this court requests the assistance of the Courts of Mexico to compel the below named company to submit the requested evidence (in the form of documents including, but not limited to, that which is described in Exhibit B) to an appropriately designated authority for Mexico.

PARTY	LEGAL REPRESENTATIVE
<p>DEFENDANTS: American Gypsum Company LLC c/o counsel, McDermott Will & Emery LLP 227 W. Monroe Street, Suite 4400 Chicago, IL 60606</p> <p>See attached list (Exhibit C) of additional defendants</p>	<p>David Hanselman McDermott Will & Emery LLP 227 W. Monroe Street, Suite 4400 Chicago, IL 60606 Telephone: 312-984-3610 Email: DHanselman@mwe.com</p> <p>See attached list (Exhibit C) of additional defendants' counsel</p>
<p>PLAINTIFFS: See attached list (Exhibit C)</p>	<p>See attached list (Exhibit C)</p>

REPRESENTATIVE TO ACT ON BEHALF OF DEFENDANT, AMERICAN GYPSUM COMPANY LLC:

It is requested that should contact or correspondence be required in relation to this request, the following individual is appointed in this matter for that purpose:

David Hanselman
McDermott Will & Emery LLP
227 W. Monroe Street, Suite 4400
Chicago, IL 60606
Telephone: 312-984-3610
Email: DHanselman@mwe.com

ENTITY FROM WHOM EVIDENCE IS REQUESTED (Deponent/Witness):

Panel Rey
Corporate Office
Serafin Peña 935 South
Col. Centro
CP 64000 El Carmen, Nuevo León
Telephone: (81) 8345 0055

The specific request herein is to have the Courts of Mexico appoint an appropriate judicial authority in Mexico to preside over this request and compel an appropriate representative of the above named company to provide evidence in the form of documents and deposition testimony which are crucial to this case.

It is believed that Panel Rey is a business entity operating within the jurisdictional boundaries of Mexico.

SUBJECT MATTER AND RELATIVITY OF THIS REQUEST:

This is a civil class action litigation. The plaintiffs in this matter have filed an action alleging that certain wallboard manufacturers in the United States fixed the price at which wallboard was sold in the United States beginning in 2011. Panel Rey is a wallboard manufacturer located in Mexico who sells its wallboard products in the United States through a number of distributors located in Texas, Washington, Oregon, Louisiana, New Mexico, and Oklahoma. Panel Rey's website identifies 97 distributors that it uses to sell its products into the United States. Panel Rey's sales of and pricing of wallboard into the United States is relevant to

the conspiracy alleged in plaintiffs' complaint. A copy of the complaint is annexed hereto as Exhibit D. The evidence to be obtained from Panel Rey consists of documents for use in court proceedings, motion practice and trial of this class action and is necessary for the just and proper disposal of the proceedings before this Court.

In view of the foregoing, it is therefore requested, in the interest of justice, that the appropriate judicial authority of Mexico issue an order, in accordance with Articles 9 and 10 of Hague Convention #20 and the laws and procedures of the Courts of Mexico, summoning Panel Rey to provide the requested evidence (in the form of documents including, but not limited to, that which is described in Exhibit B) to the appropriate designated Mexico authority, for ultimate examination by the below signed United States judicial authority.

SPECIFIC REQUESTS:

1. It is requested that should any portion of this request be denied, on legal grounds, that such denial not affect the remainder of this request. In accordance with Article 13 of Hague Convention #20, it is further requested that the above named representative contact (Defendant, American Gypsum Company LLC's representative), and this court, be immediately informed of any such refusal and the associated legal grounds.

2. In accordance with Article 9 of Hague Convention #20, it is requested that the judicial authorities of Mexico issue an order for the requested evidence to be produced as quickly as possible. This case is currently in discovery. Discovery is scheduled to close on October 31, 2014. The Court has yet to set a trial date.

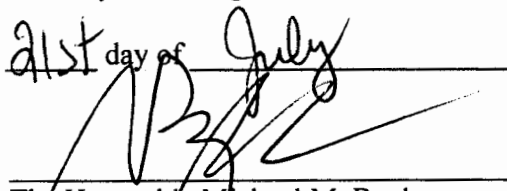
3. It is requested that the appropriate authority in Mexico provide to this court, as soon as convenient, all information regarding decisions made affecting the acquisition of evidence from Panel Rey.

4. It is requested that any physical/document evidence produced be properly sealed and authenticated by the appropriate Mexico authority in accordance with the requirements for same in the courts of Mexico and returned to the below signed judicial authority.

When required, the below signed judicial authority shall provide reciprocal assistance, such as requested herein, to the appropriate judicial authorities of Mexico.

The legal representatives for Defendant, American Gypsum Company LLC (contact information listed above), stand ready and willing to reimburse the appropriate judicial authorities in Mexico, for all costs incurred in executing the below signed judicial authority's request for international judicial assistance.

WITNESS, the Honorable Michael M. Baylson, Judge for the United States District Court, Eastern District of Pennsylvania, this 21st day of July, 2014.


The Honorable Michael M. Baylson
United States District Court
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[seal of the court]