UNITED STATES DISTRICT COURT DISTRICT OF MINNESOTA

IN RE: HARDIEPLANK FIBER CEMENT

SIDING LITIGATION

Case No. 12-md-2359

MDL No. 2359

THIS DOCUMENT RELATES TO

ALL ACTIONS

ORDER

This matter is before the Court on Defendant James Hardie Building
Products, Inc.'s Motion to Dismiss. [Docket No. 36] The Court heard oral
argument on March 21, 2013. During oral argument, Plaintiffs' Lead Counsel
stated that "Counts 2 and 3 are not being contested" and that Counts 2 and 3 "are
no longer at issue." In order to ensure that the record in this case is clear,

IT IS HEREBY ORDERED:

Within seven days from the date of this Order, Plaintiffs shall submit a one page document explicitly stating whether or not they concede that Counts 2 and 3 are subject to dismissal and, if so, whether they concede dismissal as to all or only particular Plaintiffs.

Dated: March 21, 2013 s/ Michael J. Davis

Michael J. Davis

Chief Judge

United States District Court