

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF LOUISIANA

In Re: FEMA TRAILER
FORMALDEHYDE PRODUCTS
LIABILITY LITIGATION

MDL NO. 07-1873

SECTION "N" (5)

THIS DOCUMENT RELATES TO
Case No. 08-4630

ORDER AND REASONS

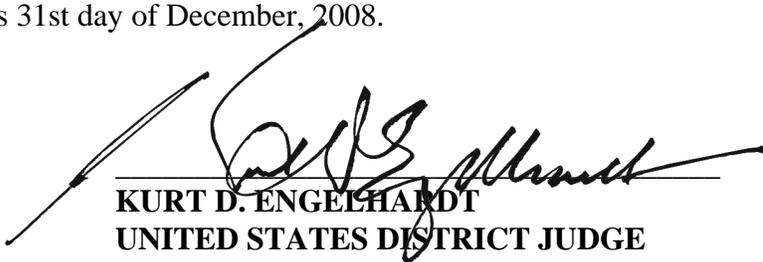
Local Rule 7.5E of the Eastern District of Louisiana requires that a memorandum in opposition to a motion be filed and that a copy be delivered to chambers eight days prior to the date set for hearing of the motion. No memorandum in opposition to Defendants, Cavalier Home Builders, LLC, Cavalier Homes, Inc., Redman Homes, Inc., Liberty Homes, Inc., Waverlee Homes, Inc., and River Birch Homes, Inc.'s Motion to Dismiss (Rec. Doc. 986), set for hearing on December 31, 2008, was filed. Further, it appears to the Court that this motion has merit. Accordingly,

IT IS ORDERED that the **Defendants, Cavalier Home Builders, LLC, Cavalier Homes, Inc., Redman Homes, Inc., Liberty Homes, Inc., Waverlee Homes, Inc., and River Birch Homes, Inc.'s Motion to Dismiss (Rec. Doc. 986)** should be and is hereby **GRANTED**. Thus, Plaintiffs' claims against Defendants Cavalier Home Builders, LLC, Cavalier Homes, Inc., Redman Homes, Inc., for itself and in its capacity as the acquiring entity by merger of the corporation formerly known as Dutch Housing, Inc., Liberty Homes, Inc., Waverlee Homes, Inc., and River Birch Homes, Inc. are dismissed without prejudice.

A motion for reconsideration of this Order, if any, must be filed within ten days of the date this Order is entered by the Clerk of Court. The motion must be accompanied by opposition

memorandum to the original motion. Because a motion for reconsideration would not have been necessary had a timely opposition memorandum been filed, the costs incurred in connection with the motion, including attorneys' fees, will be assessed against the party moving for reconsideration. *See* FED. R. CIV. P. 16, 83. A statement of costs conforming to Local Rule 54.3 shall be submitted by all parties desiring to be awarded costs and attorneys' fees no later than eight days prior to the hearing of the motion for reconsideration.

New Orleans, Louisiana, this 31st day of December, 2008.



KURT D. ENGELHARDT
UNITED STATES DISTRICT JUDGE