

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

In Re: FEMA TRAILER
FORMALDEHYDE PRODUCTS
LIABILITY LITIGATION

MDL NO. 07-1873

SECTION "N" (4)

THIS DOCUMENT RELATES TO
ALL CASES

PRETRIAL ORDER NO. 22

On Friday, January 16, 2009, the Court held a status conference in chambers with liaison counsel, steering committee members, and counsel for the Government. The following individuals were in attendance: Jerry Meunier, Justin Woods, Andrew Weinstock, Joe Glass, Raul Bencomo, Ernie Gieger, Frank D'Amico, Jr., Stewart Tharp, Linda Nelson, Adam Dinnell, Ronnie Penton, Anthony Buzbee, and Henry Miller. Following that conference, the Court held a general status conference in the courtroom, which was open to all counsel. The individuals attending that conference are listed on the attached "sign in" document.

As stated during the conferences, **IT IS ORDERED** that:

(1) Given that it is unopposed, and proposes an amended pleading without class action allegations, Plaintiffs' Second Motion for Leave to File First Supplemental and Amending

Complaint in *Aldredge, et al. v. GulfStream Coach, Inc., et al.*, No. 07-9228 (Rec. Doc. 1052), is **GRANTED**.

(2) The January 28, 2009 hearing on Heartland Recreation Vehicles, LLC's and Timberland RV Company's Joint Motion to Dismiss the Second Supplemental and Amended Master Complaint (Rec. Doc. 1027) is **CANCELLED**. Counsel are to confer regarding the matters addressed in the motion. Thereafter, on or before January 30, 2009, liaison counsel and counsel for the Government are to advise the Court of the matters raised therein that still remain in dispute. At that time, if necessary, a new hearing date for the motion shall be established.

(3) Regarding the Manufacturing Defendants' Joint Motion to Adopt Proposed Case Administration Order (Rec. Doc. 1028), counsel are to confer to determine the matters to which they can agree. Thereafter, liaison counsel and counsel for the Government shall provide a status report to the Court on or before January 30, 2009. The January 28, 2009 hearing date presently set for this motion is **CANCELLED**. A new hearing date, if a hearing is necessary, shall be established at a later date.

(4) If there is any disagreement amongst the parties as to the impact of the Court's October 3, 2008 ruling (Rec. Doc. 717) on claims involving mobile homes, a motion for clarification of that aspect of the ruling should be filed and set for hearing.

(5) Counsel are to continue to confer regarding the proper content/timing/means of issuing notice of the Court's denial of class certification in this matter. Liaison counsel and counsel for the Government are to provide the Court with a report of these efforts on or before January 30, 2009.

(6) Plaintiffs shall file a motion relative to the possibility of actions being filed

directly into this MDL proceeding, rather than being filed elsewhere and then transferred by the MDL panel.

(7) A proposed amendment to Pre-Trial Order #2, relative to plaintiff fact sheets, shall be submitted to the Court on or before January 30, 2009.

(8) Counsel are to submit a revised version of Joint Report No. 8 of Liaison and Government Counsel for filing into the record.

(9) The Court will hold a status conference in chambers with liaison counsel, committee members, and counsel for the Government on Friday, March 20, 2009, at 8:45 a.m.

(10) A general status conference, open to all counsel, will be held in the courtroom of the undersigned on Friday, March 20, 2009, at 10:00 a.m.

New Orleans, Louisiana, this 21st day of January 2009.


KURT D. ENGELHARDT
UNITED STATES DISTRICT JUDGE