

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  
Member Case No. 09-2977

**ORDER AND REASONS**

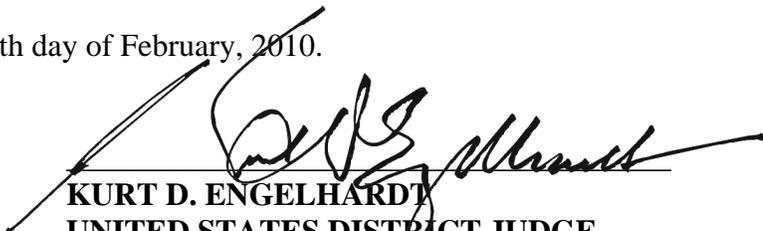
Before the Court is Forest River, Inc.'s Motion for Partial Summary Judgment (Rec. Doc. 10937). In this motion, Forest River, Inc. ("Forest River") requests that this Court dismiss Plaintiff Lyndon T. Wright's claims regarding Forest River's alleged duty to warn under the Louisiana Products Liability Act ("LPLA"). After considering the memoranda of the parties and the applicable law, the Court concludes that there are genuine issues of material fact that exist relating to whether the Government (i.e., the Federal Emergency Management Agency "FEMA")) and/or North American Catastrophe Services ("NACS") were sophisticated intermediate users/purchasers of the emergency housing unit ("EHU") in this matter and as to whether Wright received the owner's manual, which contained a warning about formaldehyde.<sup>1</sup> Accordingly,

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<sup>1</sup> The Court notes that the evidence presently before it seems to indicate that the warning in the Owner's Manual was adequate because Wright himself testified that he would have immediately moved out of the EHU *if* he had read the warning. (See Exhibit A to Rec. Doc. 11813, pp. 329-30).

**IT IS ORDERED** that **Forest River, Inc.’s Motion for Partial Summary Judgment (Rec. Doc. 10937)** is **DENIED**.

New Orleans, Louisiana, this 24th day of February, 2010.



**KURT D. ENGELHARDT**  
**UNITED STATES DISTRICT JUDGE**