

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

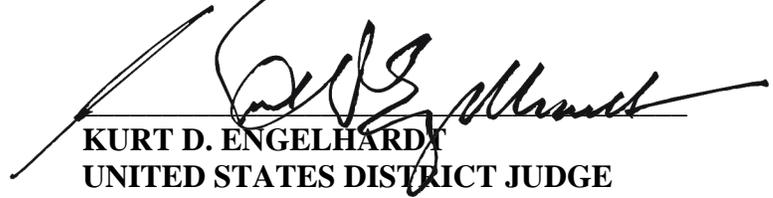
ORDER

IT IS ORDERED that the Court **ADOPTS** its September 10, 2009 ruling (Rec. Doc. 3205) as the ruling on the Motion for Summary Judgment Based on Shaw Environmental, Inc.'s Status as a Government Contractor (Rec. Doc. 10941). Therefore, the **Motion for Summary Judgment Based on Shaw Environmental, Inc.'s Status as a Government Contractor (Rec. Doc. 10941)** is **GRANTED IN PART and DENIED IN PART**. The motion is denied to the extent that, based on the undisputed facts as presented by Shaw, Shaw has not demonstrated that, as a matter of law, it is entitled to claim the government contractor defense as to Plaintiff's claims against it relating to the installation of the EHU.¹ However, as set forth in footnote 1 to Rec. Doc. 3205, the motion is granted as to Plaintiff's maintenance claims against Shaw, and those claims are dismissed with

¹ The Court disagrees with Plaintiff that the issue/claim of the government contractor defense is precluded based on its previous rulings in this MDL. The Court's other orders in the MDL, while similar, pertained to different defendants. Shaw is in no way precluded from raising this defense in this motion or hereinafter. This Court's instant ruling simply instructs that, at this time, Shaw is not entitled to summary judgment on this issue.

prejudice.

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



KURT D. ENGELHARDT
UNITED STATES DISTRICT JUDGE