

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. 5**

On April 21, 2008, the Court held a telephone status conference with the following counsel participating: Andrew Weinstock, Joe Glass, Gerald Meunier, Justin Woods, Henry Miller, and Michelle Boyle. During the conference, the Court **ORDERED** as follows:

(1) On or before **Friday, May 2, 2008**, the Government shall provide to counsel and the Court with a single copy of every notice, group communication, or other item disseminated by any Government agency to current or former trailer recipients and/or occupants relating to formaldehyde. The Government shall also provide a general description of the intended recipients of each disseminated item.

(2) If any Government agency disseminates any future notices to current or former trailer recipients and/or occupants regarding formaldehyde, it shall provide the Court and

counsel with a copy of such notice(s) and a general description of the intended recipients either before or at the time of its dissemination.

(3) **On or before Friday, May 2, 2008**, Plaintiffs shall provide a tentative time-table to Defendants of how soon Plaintiffs can provide Defendants with completed Fact Sheets for individuals other than named plaintiffs.

(4) **On or before Friday, May, 2, 2008**, the parties shall provide the Court with a list of all elements of class certification that will be litigated and all elements to which the parties can stipulate.

(5) **Plaintiffs' Steering Committee (PSC) Motion to Compel Defendant United States/FEMA to Respond to Subpoena for Certain Information (Rec. Doc. 119) is DENIED WITHOUT PREJUDICE IN PART and SUBMITTED IN PART.**

The motion is denied to the extent that the Court will not order the Government to provide a Third Party Administrator with a list of all individuals who have resided in FEMA trailers so that a notice may be sent out to them. The motion is submitted to the extent that the Court will postpone a final determination on this issue until it is provided with and reviews the notices previously sent by the Government to current and former trailer recipients and/or occupants. If, based on its review, the Court determines that a brief supplement from Plaintiffs, providing notice of the existence of this proceeding and attorney contact information, would be fair, it will allow such a missive to be disseminated to those individuals who were the intended recipients of the particular government notice. This motion may also be re-urged after the resolution of the class

certification issue.

New Orleans, Louisiana, this 22nd day of April, 2008.



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