

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. 09-3251

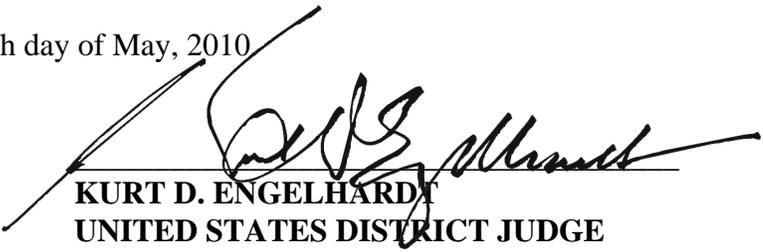
**ORDER AND REASONS**

Before the Court is Recreation By Design, LLC's Motion for Partial Summary Judgment as to Plaintiff's Failure to Warn Claim (Rec. Doc. 13241). In this motion, Recreation By Design, LLC ("RBD") requests that this Court dismiss Plaintiff Earline Castanel's failure to warn claim brought 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 Morgan Buildings and Spas ("Morgan") were sophisticated intermediate purchasers of the emergency housing unit ("EHU") in this matter and as to whether RBD owed a continuing duty to warn Plaintiff of the potential dangers of formaldehyde in her EHU. Accordingly,

**IT IS ORDERED** that **Recreation By Design, LLC's Motion for Partial Summary**

**Judgment as to Plaintiff's Failure to Warn Claim (Rec. Doc. 13241) is DENIED.**

New Orleans, Louisiana, this 5th day of May, 2010



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