

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
Member Case No. 09-3871

PRETRIAL ORDER NO. 67

On May 13, 2010, the Court held a telephone status conference, in which the following individuals participated: Justin Woods, Henry Miller, Adam Dinnell, Sarah Podmaniczky, Gerry Barrios, Wade Bass, Jim Percy, Ryan Johnson, Dave Kurtz, and Karen Whitfield.

During the conferences, the Court was informed that the bellwether plaintiff, David McGraw, in the July bellwether trial will be dismissing his claims against the defendants. Accordingly, the Court **ORDERED** as follows:

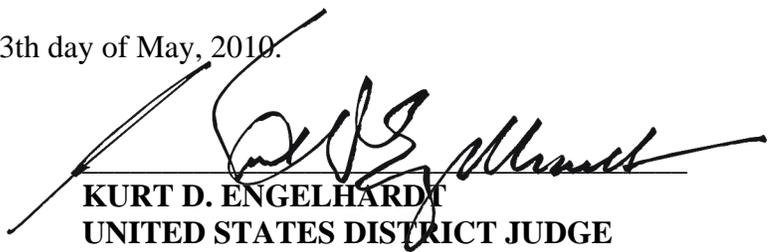
- (1) On or before the selection of the new bellwether plaintiff, Plaintiff McGraw shall file a motion to dismiss his claims.
- (2) The July 19, 2010 bellwether trial is **CANCELLED**.
- (3) **On or before Friday, May 21, 2010, at noon**, Plaintiffs' counsel shall forward to Keystone, CH2M Hill, the Government, and the Court, the names of at least 7 individuals who (a) are willing to serve as a bellwether plaintiff in a November bellwether trial; and (b) are/were smokers (similar to that of previous bellwether plaintiff, McGraw).
- (4) **On or before Wednesday, May 26, 2010**, Defendants shall collectively

agree and select from Plaintiffs' counsel proposals two individuals (an (A) and a (B)) to serve as a bellwether plaintiff for a November 2010 bellwether trial.

(5) While the date of this Keystone bellwether trial has not been definitely determined, the options are: (1) beginning the trial on Monday, November 8, 2010; (2) selecting the jury on Monday, November 8, 2010, but beginning the trial on Tuesday, November 9, 2010, at 8:30 a.m.; or (3) beginning a summary jury trial on Monday, November 15, 2010. Once a definitive date is selected, the Court will issue an Order memorializing the same.

(6) Based on the impending dismissal of McGraw's claims against Defendants and the cancellation of the July bellwether trial, the following motions (identified by Record Document number) are **DENIED AS MOOT**: Rec. Docs. 12264, 13126, 13210, 13852, and 13957.

New Orleans, Louisiana, this 13th day of May, 2010.



KURT D. ENGELHARDT
UNITED STATES DISTRICT JUDGE