

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  
ALL CASES

**PRETRIAL ORDER NO. 78**

On October 22, 2010, the Court held a status conference in chambers with liaison counsel, steering committee members, and counsel for the Government. The following individuals were in attendance: Justin Woods, Matt Moreland, Jim Percy, Stewart Tharp, Adam Dinnell, Robert Becnel, Dave Kurtz, Karen Whitfield, Dennis Reich, Charles E. Leche, John J. Hainkel, Linda Nelson, Charles Penot, Lamont Domingue, Jerry Meunier, Gerry Barrios, Raul Bencomo, Richard Sherburne, Tony Buzbee, Tom Cougill, Frank D'Amico, Ernie Gieger, Brent Maggio, and Andy Weinstock. Following that conference, the Court held a general status conference in the courtroom, which was open to all counsel. As for the individuals in attendance, the Court has attached the sign in sheet from that conference.

During the conferences, the Court **ORDERED** as follows:

(1) **On or before Wednesday, December 1, 2010**, the parties to the February 22, 2011 Dutchmen Manufacturing, Inc. bellwether trial shall advise the Court whether and to what extent there are any objections to the undersigned presiding over that summary jury trial.

(2) On **Thursday, November 4, 2010, at 5:00 p.m.**, the Court will hold a status conference in chambers with the applicable attorneys to discuss the declaratory judgment action that was filed in Indiana state court, which may have some impact on the Sun Valley, Inc. bellwether trial scheduled for March 28, 2011.

(3) Also relative to the March 28, 2011 Sun Valley, Inc. bellwether trial, the parties are to confer and attempt to agree on "B" and "C" selections for alternative bellwether plaintiffs. On or before **Wednesday, October 27, 2010**, the parties shall inform the Court of the agreed-upon selections, or if no agreement can be reached, the parties shall present the Court with their respective selections.

(4) Relative to the May 16, 2011 KZ RV, LP bellwether trial, **on or before Monday, November 22, 2010**, KZ RV shall advise the Plaintiff and the Court whether it will consent to convert this bellwether trial to a summary jury trial.

(5) Relative to the June 20, 2011 Coachmen Recreations Vehicle, LLC bellwether trial, the parties are to confer and advise the Court **on or before Monday, November 22, 2010**, whether they have agreed on the selection of a bellwether plaintiff

and whether this trial will be a summary jury trial.

(6) Relative to the Manufactured housing non-litigation track, the applicable parties shall file a joint Motion for Preliminary Approval of a Settlement Class on or before Monday, November 15, 2010, which shall be set for hearing, without oral argument, on Wednesday, December 1, 2010.

(7) On Friday, December 3, 2010 at 8:30 a.m., the Court will hold a status conference in chambers with liaison counsel, committee members, and counsel for FEMA. The Court notes that it will utilize a sign-in sheet and only members of the above-mentioned groups or individuals who have received prior permission of the Court will be allowed admission to this meeting.

(8) A general status conference, open to all counsel, will be held in the courtroom of the undersigned on Friday, December 3, 2010 at 10:00 a.m.

New Orleans, Louisiana, this 22nd day of October 2010.

  
KURT D. ENGELHARDT  
UNITED STATES DISTRICT JUDGE

PTD Received: \_\_\_\_\_

Trial Set: \_\_\_\_\_

July / Nov - July

CIVIL/CRIMINAL ACTION NO.: \_\_\_\_\_

PLAINTIFF(S) \_\_\_\_\_

VERSUS \_\_\_\_\_

Magistrate: \_\_\_\_\_

DEFENDANT(S) \_\_\_\_\_

FEMA MDL

CONFERENCED: \_\_\_\_\_ PRE-TRIAL \_\_\_\_\_  STATUS \_\_\_\_\_ SETTLEMENT \_\_\_\_\_

DATE: 10-22-10

TIME: 10 AM

PLEASE PRINT      PLEASE PRINT

NAME                      FIRM                      REPRESENT

Dennis Reich	Reich & Binstock	PS
CHARLES PENOT	M RG	FLUOR
Math Morehead	Beconl	TT
Robert A. Beconl	Beconl	TT
Jim Percy	Jones Walker	Def. Keystone
Stewart Tharp	Taylor Porter	Cocoburn
Janet MacDONELL	same	Agbayani
Teresa Anderson	HMP	Ashers
BRENT MAGGIO	Allen + Gooch	SUN VALLEY / Heathman
MARK VERRET	Allen & Gooch	SUN VALLEY / Heathman

PTD Received: \_\_\_\_\_

Trial Set: July/Nov-July

CIVIL/EXEMPTED ACTION NO.: \_\_\_\_\_

PLAINTIFF(S) \_\_\_\_\_

VERSUS \_\_\_\_\_

Magistrate: \_\_\_\_\_

DEFENDANT(S) \_\_\_\_\_

**FEMA MOL**

CONFERENCE: PRE-MEAL  STATUS SETTLEMENT

DATE: 10-22-10 TIME: 10 AM

**PLEASE PRINT PLEASE PRINT**

NAME FIRM REPRESENT

<u>NAME</u>	<u>FIRM</u>	<u>REPRESENT</u>
Linda J. Nelson	LAMBERT AND NELSON, PC	PSC
Lamont P. Domingue	Voorhies & Labbe	Cavalier et al
Tom Caspell	W.F. + C	Jayce A. Stewart
Ernie Ege	Grega Labore & Lapouse	Forest River
Andy Weinstad	A. Duplass Zuercher	Gulf Stream
Gerry Barris	Baker Donelson	CH2M Hill
Adam Dinnell	USDOT	USA
Tim Scandurro	Scandurro Hajrissa	Gulf Stream
Paul R. Jenkins	Bancroft & Associates	PSC
KAREN WHITFIELD	BAKER DONELSON	SHAW

PTD Received: \_\_\_\_\_

Trial Set: July/Nov-Entry

CIVIL/SPECIAL ACTION NO.: \_\_\_\_\_

PLAINTIFF (S) \_\_\_\_\_

WAYS \_\_\_\_\_

Magistrate: \_\_\_\_\_

DEFENDANT (S) \_\_\_\_\_

**FEMA MDL**

CONFERENCE: PRE-TRIAL  STATUS SETTLEMENT

DATE: 10-22-10 TIME: 10 AM

**PLEASE PRINT PLEASE PRINT**

NAME

FIRM

REPRESENT

Joe Rausch

Jim Hill

TT

Kelly Brown

Jansons & Leonard

insurer

JUSTIN WOODS

PSC

TT

Russell Holwadel

Adon Wayne Holwadel

Insurer

Gregg Courcier

" "

" "

RANDALL MURPHY

Greiner, Young, LLC

Recreation By Design, LLC

Cynthia Thomas

McGowan, Johnson

Sunny Brook RV

Robert Sheedy

McGlinchey Stafford

Skylone/Kaytan

Tom Everage

McGlinchey Stafford

Skylone

Trial Set: Jury/Non-Jury

CIVIL/CRIMINAL ACTION NO.:

PLAINTIFF(S)

VERSUS

Magistrate:

DEFENDANT(S)

**FEMA MOL**

CONFERENCE: PRE-TRIAL  STATUS  SETTLEMENT

DATE: 10-22-10 TIME: ~~10:00~~ <sup>10 AM</sup> AM

**PLEASE PRINT      PLEASE PRINT**

<u>NAME</u>	<u>FIRM</u>	<u>REPRESENT</u>
Eric B. Berger	Lobman Corcoran	Crum + Forster Specialty Ins Co
Howard Frazee	Bernard Cassisa	Superior Home CIC
Delbert Miller	KZRV	KZRV
Ben Mageau	Lobardo & Neenan	Horizon Homes
John Hamel	Friest	Berkel
Jason Bove	GL	Facet Run
Carson Strickland	A	" "

