

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

ORDER AND REASONS

Before the Court are the following joint Motions to Dismiss filed by the Manufacturing Defendants (Rec. Doc. No. 18684), the Contractor Defendants (Rec. Doc. No. 19080) and Morgan Building and Spa's Inc. (Rec. Doc. No. 18707). Based on the oppositions received (Rec. Docs. 18712, 19083, 19085, 19129, 19130, 19139, 19155, 19167, 19181, 19183, 19189, 19193, 19194, 19195, 19196, 19199, 19214, 19572, and 19768 and the replies thereto (Rec. Docs. 19048, 19767, 19803, 19809, 19844, and 19870-1),

IT IS ORDERED that the remainder of the **Motions to Dismiss filed by the Manufacturing Defendants (Rec. Doc. No. 18684) and the Contractor Defendants (Rec. Doc. No. 19080)** are **PARTLY GRANTED** and **PARTLY REFERRED** to the hearing on January 21, 2011. Specifically, the motions are **GRANTED** as to the following "shell" cases, which are hereby **DISMISSED** with prejudice. (Notably, this Court's previous orders regarding prescription of the

claims of Plaintiffs severed from these shell cases is not disturbed by dismissal of the remaining plaintiff-free “shell” cases):

09-cv-03561-- Boudreaux et al v. Champion Home Builders Co. et al

09-cv-03587-- Battaglia et al v. Destiny Industries, LLC et al

09-cv-03589-- Ahl et al v. Frontier RV, Inc. et al

09-cv-03715-- Clausell et al v. River Birch Homes Inc et al

09-cv-03716-- Gagliano et al v. Southern Energy Homes Inc. et al

09-cv-03718-- Peterson et al v. Palm Harbor Homes Inc. et al

09-cv-03719-- Bergeron et al v. Jayco Enterprises Inc et al

09-cv-03721-- Daire v. Giles Family Holdings Inc. et al

09-cv-03722-- Doty et al v. Sun Valley, Inc. et al

09-cv-03726-- Barrilleaux et al v. Coachmen Industries, Inc. et al

09-cv-03728-- Arbour et al v. Vanguard Industries of Michigan, Inc. et al

09-cv-03729-- Borne et al v. DS Corp. et al

09-cv-03732-- Deogracias v. Starcraft RV, Inc. et al

09-cv-03734-- Braquet et al v. Lakeside Park Homes, Inc. et al

09-cv-03736-- Brignac et al v. Hy-Line Enterprises, Inc. et al

09-cv-03738-- Aguilera et al v. KZRV LP et al

09-cv-03739-- Cook et al v. Skyline Corporation et al

09-cv-03740-- Douglas et al v. Oak Creek Homes, L.P. et al

09-cv-03741-- Penny et al v. Waverlee Homes, Inc. et al

09-cv-03824-- Bader et al v. Gulf Stream Coach, Inc. et al

09-cv-03825-- McHughes et al v. Timberland RV Company et al
09-cv-03826-- Boudreaux et al v. Dutch Housing, Inc. et al
09-cv-03827-- Braud et al v. Stewart Park Homes Inc. et al
09-cv-03949-- Barcelona et al v. R-Vision, Inc. et al
09-cv-03975-- Cavat et al v. Northwood Manufacturing, Inc. et al
09-cv-04177-- Rodrigue et al v. Sunline Acquisition Company Ltd. Et al
09-cv-04371-- Adams et al v. Fleetwood Canada, Ltd. et al
09-cv-04663-- Vaccarella et al v. gulf Stream Coach, Inc. et al
09-cv-04664-- Sakobie et al v. Gulf Stream Coach, Inc. et al
09-cv-04837-- Shaw v. American International Specialty Lines Co. et al
09-cv-06145-- Jakcler et al v. Cavalier Home Builders, LLC et al
09-cv-06147-- Jackler et al. v. Gulf Stream Coach et al
09-cv-06151-- Sentilles v. Monaco Coach Corporation et al
09-cv-06713-- Karcher v. Horton Homes Inc. et al
09-cv-06798-- Hall v. Cavalier Home Builders, LLC et al
09-cv-06888-- Kelley et al v. R-Vision, Inc. et al
09-cv-07923-- Deroche, et al v. Keystone RV Company, et al
09-cv-07934-- Ladner, et al v. Coachmen Industries, Inc., et al
09-cv-07941-- Gadwaw, et al v. DS Corp., et al
09-cv-07946-- Berndt, et al v. Dutch Housing, Inc., et al
09-cv-07958-- Atwood, et al v. Forest River, Inc., et al
09-cv-07959-- Cummins, et al v. Frontier RV, Inc., et al

09-cv-07969-- Bergeron, et al v. Jayco, Inc., et al
09-cv-07982-- Braquet, et al v. Lakeside Park Homes, Inc., et al
09-cv-07985-- Aguilar, et al v. Morgan Buildings & Spas, Inc., et al
09-cv-07986-- Casanova, et al v. Northwood Manufacturing, Inc., et al
09-cv-07989-- Riley, et al v. Arch Specialty Insurance Corp., et al
09-cv-07993-- Drewes, et al v. Recreation By Design, LLC, et al
09-cv-07997-- Hyde, et al v. Starcraft RV, Inc., et al
09-cv-08164-- Myers v. Patriot Homes of Texas, LP, et al
09-cv-08408-- Authement, et al v. TL Industries, Inc., et al
09-cv-08409-- Bourquard, et al v. Thor California, Inc., et al
09-cv-08410-- Creger, et al v. Stewart Park Homes, Inc., et al
09-cv-08411-- Forsythe, et al v. Sun Valley, Inc., et al
09-cv-08412-- Frught, et al v. Timberland RV Company, et al
09-cv-08413-- Adubato, et al v. Skyline Corporation, et al
09-cv-08415-- Alfonso, et al v. Cavalier Home Builders, LLC, et al
09-cv-08416-- Rhodes, et al v. Scotbilt Homes, Inc., et al
09-cv-08418-- Hill, et al v. Silver Creek Homes, Inc., et al
09-cv-08421-- Adubato, et al v. Laytone Homes Corp. et al
10-cv-00244-- Brown v. Lexington Homes et al
10-cv-00508-- Adams et al v. American International Group et al
10-cv-00510-- Adams et al v. Cavalier Home Builders, LLC et al
10-cv-00511-- Bader et al v. Gulf Stream Coach, Inc. et al

10-cv-00512-- Albarado et al v. Keystone Industries, Inc. et al
10-cv-00513-- Acosta et al v. Gulf Stream Coach, Inc. et al
10-cv-00514-- Albardo et al v. Morgan Buildings & Spas, Inc. et al
10-cv-00738-- Kieff et al v. DS Corp. et al
10-cv-00744-- Cody et al v. Lexington Homes, et al
10-cv-00749-- Gonzales et al v. Crum & Forster Specialty Company et al
10-cv-00751-- Fernandez v. Recreation By Design, LLC et al
10-cv-00756 – Florane v. Stewart Park et al.
10-cv-00760-- Bailes et al v. Thor California, Inc. et al
10-cv-00762-- LaFrance et al v. TL Industries, Inc. et al
10-cv-00765-- Meyer et al v. Lakeside Park Homes, Inc. et al
10-cv-00768-- Demolle et al v. CMH Manufacturing, Inc. et al
10-cv-00772-- Melan et al v. Cavalier Home Builders, LLC et al
10-cv-00773-- Durham et al v. Cavalier Home Builders, LLC et al
10-cv-00775-- Miller, et al v. Cavlier Home Builders, LLC et al
10-cv-00778-- Johnston et al v. Timberland RV Company et al
10-cv-00994-- Authement v. TL Industries, Inc. et al
10-cv-01000-- Atkinson et al v. Morgan Buildings & Spas, Inc. et al

In all other respects these motions are **REFERRED** to the January 21, 2011 hearing.

IT IS FURTHER ORDERED that the remainder of the **Motion to Dismiss filed by Morgan Building and Spa's Inc. (Rec. Doc. No. 18707)** is **PARTLY DENIED AS MOOT and PARTLY REFERRED** to the hearing on January 21, 2011. Specifically, the motion is **DENIED**

AS MOOT (based on the above ruling) as to the following cases:

10-cv-00751-- Fernandez v. Recreation By Design, LLC et al

10-cv-00513-- Acosta et al v. Gulf Stream Coach, Inc. et al

10-cv-00508-- Adams et al v. American International Group et al

09-cv-07985-- Aguilar, et al v. Morgan Buildings & Spas, Inc., et al

10-cv-00994-- Authement v. TL Industries, Inc. et al

10-cv-01000-- Atkinson et al v. Morgan Buildings & Spas, Inc. et al

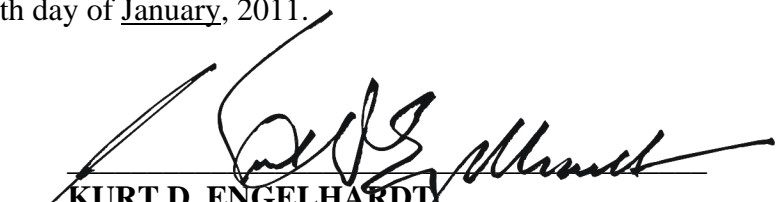
10-cv-00511-- Bader et al v. Gulf Stream Coach, Inc. et al

10-cv-00514-- Albardo et al v. Morgan Buildings & Spas, Inc. et al

10-cv-00738-- Kieff et al v. DS Corp. et al

In all other respects, this motion is referred to the January 21, 2011 hearing.

New Orleans, Louisiana, this 20th day of January, 2011.


KURT D. ENGELHARDT
United States District Court