

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 is the "Joint Rule 12(B)(6) Motion of Bechtel National, Inc. and CH2M Hill Constructor, Inc. To Dismiss Plaintiffs' Mississippi Products Liability Claims" (Rec. Doc. 13422). This motion was opposed. (See Rec. Doc. 14048). The Court notes that it has addressed similar issues presented in the context of a Motion to Dismiss (see Order and Reasons at Rec. Doc. 1324) and a Motion for Summary Judgment (see Order and Reasons at Rec. Doc. 3217), both of which were specific to the *Aldridge* matter (member case 07-9228), albeit pertaining to the Louisiana Products Liability Act ("LPLA"). Further, this Court also addressed similar motions seeking to dismiss LPLA claims filed by certain contractor defendants, non-specific to any particular member case. (See Rec. Doc. 18464). The Court sees no reason to re-visit the issues previously raised and addressed in the aforementioned Orders and Reasons. Accordingly,

IT IS ORDERED that, for the same reasons as expressed in the Order and Reasons at Rec. Doc. 1324, 3217, and 18464, the "Joint Rule 12(B)(6) Motion of Bechtel National, Inc. and CH2M

Hill Constructor, Inc. To Dismiss Plaintiffs' Mississippi Products Liability Claims" (Rec. Doc. 13422) is **DENIED**. As it did in its December 6, 2010 Order and Reasons (Rec. Doc. 18464), the Court notes again that, while the undersigned eventually granted the contractor defendant's motion on this issue in *Aldridge*, it did so, in part, by relying on Rule 56 evidence presented in connection with that motion. (See Rec. Doc. 3217, pp. 5-6). On the pleadings alone, the Court is in no position to grant an across-the-board dismissal of the MPLA claims against the movants or against any of the other IA-TAC contractors who may have joined in this motion.

IT IS FURTHER ORDERED that "Fluor Enterprises, Inc.'s Motion for Partial Judgment on the Pleadings to Dismiss Mississippi Products Liability Claims in the Third and Fourth Supplemental and Amended Administrative master Complaints (**Rec. Doc. 13455**) is **DENIED** for the same reasons as set forth above.

New Orleans, Louisiana, this 6th day of May, 2011.


KURT D. ENGELHARDT
UNITED STATES DISTRICT JUDGE