

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA
NEW ORLEANS DIVISION

IN RE: FEMA TRAILER
FORMALDEHYDE
PRODUCT LIABILITY LITIGATION

MDL NO. 1873
SECTION "N-5"

JUDGE ENGELHARDT
MAG. JUDGE CHASEZ

THIS DOCUMENT IS RELATED TO:
No. 09-5658 (*Charles Marshall*);
No. 09-5659 (*Sonya Andrews*);
No. 09-7109 (*Laura Demetriace Batiste*)

ORDER

Considering the conference conducted in chambers by the Court on August 22, 2011,

IT IS ORDERED that the defendants Sun Valley, Inc., Colony National Insurance Company and ACE USA Companies, will file no later than **Friday, September 2, 2011** all motions to dismiss for failure to cure Plaintiff Fact Sheet deficiencies as to plaintiffs making claims against these defendants whose claims defendants consider to be subject to dismissal on this basis, that plaintiffs who wish to file memoranda in opposition to these motions will do so no later than **Friday, September 9, 2011**, and that defendants wishing to file memoranda in reply to the opposition memoranda of plaintiffs shall do so no later than **Tuesday, September 13, 2011**;
and

IT IS FURTHER ORDERED that the aforesaid motions will be considered submitted on the pleadings as of **September 13, 2011**, unless oral argument is deemed necessary by the Court and the parties are so advised; and

IT IS FURTHER ORDERED that all claimants who, as of the date of this order, have communicated through counsel to the PSC and/or counsel for Sun Valley and its insurers that they occupied a Sun Valley unit at times pertinent herein, and purport to make claims in this MDL against Sun Valley and/or its insurers on this basis, must provide to Plaintiffs' Co-Liaison Counsel Gerald E. Meunier and Justin I. Woods and to Lamont Domingue and Brent Maggio as counsel for Sun Valley, Inc., Plaintiff Fact Sheets which comply with the provisions of PTO #88, no later than **September 26, 2011**, failing which these claimants will not be considered or included in the global settlement negotiations further provided for herein, *infra*; and

IT IS FURTHER ORDERED that the parties (i.e., Sun Valley plaintiffs, Sun Valley, and the insurers of Sun Valley) will have further discussions and negotiations aimed at global resolution, utilizing the services of Dan Balhoff as mediator if necessary, and report verbally to the Court on the progress of these efforts no later than **Tuesday, October 11, 2011**; and

IT IS FURTHER ORDERED that the bellwether trial of the case against Sun Valley, which currently is scheduled to commence on October 17, 2011, is hereby **CONTINUED** until **January 23, 2012 at 8:30 a.m.**, and the Final Pretrial Conference for this trial scheduled for October 6, 2011 is continued until **January 5, 2012 at 9:30 a.m.**, and

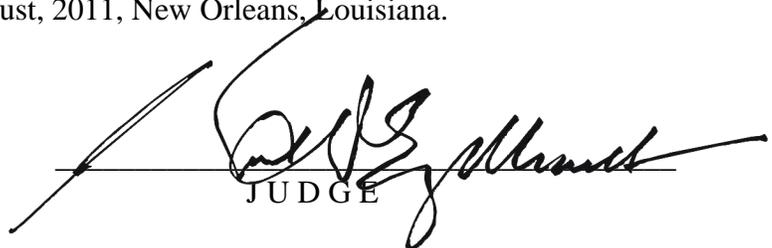
IT IS FURTHER ORDERED that all pre-trial deadlines set forth in the pre-trial orders governing the bellwether trial against Sun Valley, Inc. (at Rec. Docs 19814, 19812, and 19813) that have expired shall not be extended and shall remain expired; and

IT IS FURTHER ORDERED that any pre-trial deadlines set forth in the pre-trial orders governing the bellwether trial against Sun Valley, Inc. (at Rec. Docs 19814, 19812, and 19813) that have not expired (the “unexpired deadlines”) are postponed and the parties shall file a joint proposed pre-trial order no later than September 2, 2011, setting forth new pre-trial deadlines for the unexpired deadlines. The new pre-trial deadlines shall be consistent in the number of days they expire before the pre-trial conference or trial as currently exist in the pre-trial orders referenced herein;

IT IS FURTHER ORDERED that all pending motions in connection with the Sun Valley bellwether trial (including the motions at Rec. Docs. 22226, 22221, 22235, 22236, 22460, 22346, and 22498) for which an opposition has been filed are hereby deemed submitted, but rulings on said motions shall not be rendered before November 2, 2011, and that all pending motions referenced herein for which no opposition has been filed are **CONTINUED** until, and reset for submission on, **November 2, 2011**, and any and all memoranda in opposition to these motions to be filed no later than **October 25, 2011**.

IT IS FINALLY ORDERED that “**Plaintiffs’ Motion to Enjoin Conflicting State Court Proceedings in Elkhart County, Indiana that Interfere With This Court’s Continuing Jurisdiction Over This Litigation**” (Rec. Doc. 17611) is **DENIED AS MOOT**.

THIS DONE the 25th day of August, 2011, New Orleans, Louisiana.


JUDGE