

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
Member Case Nos. 09-4713, 09-7070,
09-7889, 10-2190

ORDER AND REASONS

Before the Court is Defendant Forest River, Inc.'s Motion to Dismiss for Failure to Comply with Pre-Trial Orders No. 2 & 32 Relating to Plaintiff Fact Sheets (Rec. Doc. 23503). Plaintiffs have filed an opposition memorandum. (Rec. Doc. 23606). Forest River has filed a Reply Memorandum. (Rec. Doc. 23738).

In its reply, Forest River withdraws its motion as to plaintiffs ReElla Marshall (identified in the Complaint as Ella Marshall and/or Rella Marshall) and Pierre Clark (identified in the Complaint as simply "Pierre"). With regard to the remaining plaintiffs (An Nguyen on behalf of A.L., Nyasha Smith on behalf of R.S., Iris Wells on behalf of F.W., and Pamela Howell on behalf of K.J.), Forest River maintains that it has never received a PFS for any of these individuals. Plaintiffs state that a PFS for each of these plaintiffs was sent to Liaison Counsel. However, plaintiffs do not attach the PFS and have submitted no transmittal letters that would assist Forest River in locating the missing Plaintiff Fact Sheets. Accordingly,

IT IS ORDERED that the **Defendant Forest River, Inc.’s Motion to Dismiss for Failure to Comply with Pre-Trial Orders No. 2 & 32 Relating to Plaintiff Fact Sheets (Rec. Doc. 23503)** is hereby **DENIED AS WITHDRAWN IN PART**, in that it is denied as withdrawn as to plaintiffs (1) ReElla Marshall (identified in the Complaint as Ella Marshall and/or Rella Marshall) and (2) Pierre Clark (identified in the Complaint as simply “Pierre”), and **DENIED IN PART**, in that it is denied in all other respects.

IT IS FURTHER ORDERED that plaintiffs (1) An Nguyen on behalf of A.L., (2) Nyasha Smith on behalf of R.S., (3) Iris Wells on behalf of F.W., and (4) Pamela Howell on behalf of K.J. shall provide a PFS to Forest River within fifteen (15) days. Upon failure to do so, any defendant may move for dismissal, as provided in Pre-Trial Orders Nos. 2, 32 and 88.

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


KURT D. ENGELHARDT
United States District Court