

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
09-4730

ORDER NO. 9 SEVERING CERTAIN CASES FOR TRIAL

Considering this Court's prior Orders and statements to counsel at the most recent general status conference regarding the Court's intention to immediately schedule for trial cases directly filed in or removed to the Eastern District of Louisiana in the event that the manufacturing defendant is unable to reach a global resolution of the claims filed against it; accordingly,

IT IS ORDERED that:

1) The following member case is hereby severed from the MDL for purposes of trial:

Swanica Nero, et al v. Pilgrim International, Inc., et al, No. 09-4730.

2) Pursuant to Rule 42(b) of the Federal Rules of Civil Procedure, the claims of the plaintiffs in the above case against Crum & Forster Specialty Insurance Company, Sentry Insurance a Mutual Company, and Burlington Insurance Company are hereby bifurcated for purposes of trial from the claims of those same plaintiffs against Shaw Environmental, Inc., Bechtel National Inc., CH2M Hill Constructors, Inc., Fluor Enterprises, Inc., or any other defendant. The claims against Crum & Forster Specialty Insurance Company, Sentry Insurance a Mutual Company, and Burlington Insurance Company only are hereby set for trial.

3) Trial is scheduled as follows:

a) Trial will commence in *Swanica Nero, et al v. Pilgrim International, Inc., et al*, No. 09-4730, during the week beginning August 13, 2012 at 8:30 a.m., before the undersigned district judge with a jury.

4) Motions to continue this trial date will be summarily denied. Counsel are instructed to clear their calendars for sufficient days to complete a full jury trial in the above case.

5) The Court will issue forthwith a Trial Scheduling Order, setting deadlines in the above case.

6) The above case is severed from the MDL for purposes of trial only and shall remain consolidated with all other member cases for pretrial purposes. Accordingly, pursuant to Pre-Trial Order No. 1 (Rec. Doc. 5) ¶¶8-9, all filings in the above cases shall continue to be made in the master docket, with a notation listing the member cases to which the document applies. However, such filings shall be served electronically on counsel representing the parties in the member case, as well as on liaison counsel.

New Orleans, Louisiana, this 13th day of February, 2012


KURT D. ENGELHARDT
UNITED STATES DISTRICT JUDGE