

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
09-2921, 09-8630

ORDER NO. 12 SEVERING CERTAIN CASES FOR TRIAL

Considering this Court's prior Orders and statements to counsel at the most recent general status conferences 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 cases are hereby severed from the MDL for purposes of trial:

Valerie Cooper, et al v. Forest River, Inc., et al, No. 09-2921; and

Johnnie Helmsetter, et al v. Forest River, Inc., et al, No. 09-8630.

2) Pursuant to Rule 42(b) of the Federal Rules of Civil Procedure, the claims of the plaintiffs in the above cases against Forest River, Inc. are hereby bifurcated for purposes of trial from the claims of those same plaintiffs against CH2M Hill Constructors, Inc., Shaw Environmental, Inc., the United States of America, or any other defendant. The claims against Forest River, Inc. only are hereby set for trial.

3) Trial is scheduled as follows:

a) Trial will commence in *Valerie Cooper, et al v. Forest River, Inc., et al*, No. 09-2921, during the week beginning Monday, July 30, 2012 at 8:30 a.m., before the undersigned district judge with a jury; and

b) Trial will commence in *Johnnie Helmsetter, et al v. Forest River, Inc., et al*, No. 09-8630, during the week beginning Tuesday, October 9, 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 16th day of March, 2012



KURT D. ENGELHARDT
UNITED STATES DISTRICT JUDGE