

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 Cases Listed in Exhibit A

SHOW CAUSE ORDER

Amended complaints have been filed in accordance with this Court's Order and Reasons (Rec. Doc. 25505) granting in part plaintiffs' Motions to Sever Claims and in the Alternative to Transfer or Remand (Rec. Docs. 25292, 25293, 25300, 25303). It appearing to the Court that these claims are appropriate for transfer pursuant to 28 U.S.C. § 1406; accordingly,

IT IS ORDERED that any party opposed to this Court transferring the cases listed in the attached Exhibit A must show cause in writing **on or before May 23, 2012** why this Court should not enter orders transferring such cases to the districts indicated on Exhibit A.

IT IS FURTHER ORDERED that the applicable parties review carefully the information contained in Exhibit A and inform the Court promptly as to any errors contained therein.

The Court notes that the plaintiffs in the amended complaints continue to assert claims against certain defendants (notably contractor defendants) who have entered into settlement agreements with the PSC. Docketing the severed claims and preparing the cases for transfer has

placed an enormous burden on the Clerk's office. The Court does not intend to sever the claims against settling defendants prior to transfer, as this would place further undue burden on the Clerk's staff. Therefore, counsel are strongly encouraged to reach an agreement regarding the prosecution of such claims that is mutually acceptable to the parties concerned.

IT IS FURTHER ORDERED that on or before May 30, 2012, the applicable parties shall file a joint, proposed Final Pre-Trial Order which shall describe the events that have taken place to date in MDL 1873.¹ The proceedings shall be chronicled, and the key evidentiary and legal rulings that will affect further proceedings shall be set forth. This Final Pre-Trial Order, along with the case files and materials will be sent to all transferee courts receiving the cases.

At a minimum, the joint, proposed Final Pre-Trial Order shall include a thorough discussion of the following:

- (1) Background: A discussion of any applicable Pre-trial Orders governing the pre-trial management of MDL 1873, including reference to and discussion of the roles of appointed liaison counsel and steering committees; reference to and discussion of status conferences; reference to and discussion of the common benefit fund, etc.
- (2) Bellwether Trials/Summary Jury Trials: A discussion of the results of all non-confidential bellwether trials, as well as a discussion of the use of the summary jury trial procedure agreed to by the parties.

¹ For examples of such orders, counsel are referred to MDL No. 1769, *In re: Seroquel Prods. Liab. Litig.*, No. 6:06md1769, Final Pretrial Order and Suggestion of Remand (M.D. Fla. May 13, 2010) (doc. 1640), and MDL No. 1507, *In re: Prempro Prods. Liab. Litig.*, No. 4:03cv1507, Pretrial Order for Remanded Cases and Second Suggestion of Remand, (doc. 2539), 2011 WL 124188 (E.D. Ark. Jan. 13, 2011).

- (3) Discovery: A discussion of all orders governing pre-trial discovery in this litigation, both in globo and case specific, including the plaintiff fact sheet process.
- (4) Other key evidentiary and legal rulings that will affect further proceedings.
- (5) Further Proceedings: Identification of any remaining discovery or other pretrial issues that have yet to be resolved, including an estimate of the time needed to resolve such issues and make the remanded cases ready for trial.

IT IS FINALLY ORDERED that on or before May 30, 2012, the applicable parties shall file for each of the listed cases a joint stipulation designating which documents (from the MDL master docket and/or the individual member cases from which the plaintiffs were severed) shall be contained in the record to be transmitted to the transferee districts.

New Orleans, Louisiana, this 18th day of May, 2012.



KURT D. ENGELHARDT
UNITED STATES DISTRICT JUDGE

EXHIBIT A**CASES TO BE TRANSFERRED**

CASE NO.	CASE NAME	SEVERED FROM	TRANSFER TO
12-cv-01209	<i>Albus, et al v. Gulf Stream Coach</i>	09-4716, 09-4717, 09-4718, 09-4719, 09-7075, 09-7076, 09-7078, 09-7081 09-7856, 09-7833, 09-7831, 09-7890, 09-7891, 09-7893, 09-7894, 09-7925, 09-7903, 09-7904, 09-7899, 09-7895, 09-7896, 09-7076, 10-1280, 10-1281, 10-1282, 10-2249, 10-2261, 10-2246, 10-2229, 10-2231, 10-2232, 10-2233, 10-2234, 10-2297, 10-2327, 10-3639	S.D. Miss.
12-cv-01210	<i>Major, et al v. Gulf Stream Coach</i>	09-4717, 09-4718, 09-4719, 09-7075, 09-7076, 09-7079, 09-7081, 09-7891, 09-7894, 09-7893, 09-7904, 09-7903, 09-7899, 09-7895, 09-7896, 09-7925, 10-1282, 10-1281, 10-2249, 10-2246, 10-2231, 10-2233, 10-2234, 10-2297	W.D. La.

12-cv-01211	<i>Burnett, et al v. Forest River, Inc.</i>	09-4713, 09-7070, 09-7072, 09-7857, 09-7855, 09-7889, 09-7892, 09-7835, 10-1265, 10-2184, 10-2190, 10-3640	S.D. Miss.
12-cv-01212	<i>Barber, et al v. Gulf Stream Coach</i>	09-7075, 09-7078, 09-7079, 09-7856, 09-7833, 09-7831, 09-7890, 09-7891, 09-7894, 09-7893, 09-7904, 09-7903, 09-7899, 09-7896, 10-1281, 10-2261, 10-2246, 10-2232, 10-2233, 10-2234, 10-2297	S.D. Ala.
12-cv-01213	<i>Seaman, et al v. Vanguard LLC</i>	09-7117, 09-7834, 10-1296	S. D. Ala.
12-cv-01214	<i>Fierson, et al v. Vanguard LLC</i>	09-7117, 09-7810, 09-7834, 10-1296	S. D. Miss.
12-cv-01215	<i>Ralleigh, et al v. Monaco Coach</i>	09-4727, 09-7093, 09-7794, 09-7815, 10-1258, 10-2204, 10-2265	S. D. Miss.
12-cv-01216	<i>Jones, et al v. Monaco Coach</i>	09-4727, 09-7815, 10-1258, 10-2265	W. D. La.
12-cv-01218	<i>Lenette, et al v. Vanguard LLC</i>	09-7834, 10-1296	E. D. Tex.
12-cv-01220	<i>Savoy, et al v. Vanguard LLC</i>	09-7834	W. D. La.
12-cv-01221	<i>Gibbens, et al v. Forest River, Inc.</i>	09-4713, 09-7072, 09-7889, 09-7892, 09-7835, 09-7924, 10-1265, 10-2184, 10-2190	W.D. La.
12-cv-01222	<i>Minor, et al v. Gulf Stream Coach</i>	09-4716, 09-7081, 09-7890, 10-2249	E.D. Tex.
12-cv-01223	<i>Johnson, et al v. Gulf Stream Coach</i>	10-1282, 10-2233, 10-2297	S.D. Tex.

12-cv-01224	<i>Reed, et al v. Gulf Stream Coach</i>	10-2246, 10-2297	N.D. Tex.
12-cv-01225	<i>Barnhill, et al v. Gulf Stream Coach</i>	09-7075, 09-7856, 09-7893, 09-7904, 10-2246, 10-2231, 10-2232, 10-2234	N.D. Ala.
12-cv-01226	<i>Bosarge, et al v. Forest River, Inc.</i>	09-7072, 09-7857, 09-7855, 09-7889, 09-7892, 09-7835, 10-1265, 10-2184, 10-2190, 10-2324	S.D. Ala.
12-cv-01227	<i>Crockett, et al v. Gulf Stream Coach</i>	09-7078, 09-7856, 09-7833, 09-7890, 09-7891, 09-7899, 10-2232	M.D. Ala.
12-cv-01228	<i>Morris, et al v. Gulf Stream Coach</i>	09-4717, 10-2234	N.D. Miss.
12-cv-01229	<i>Sheldon, et al v. Gulf Stream Coach</i>	09-4716, 09-7075, 09-7076, 09-7081, 09-7833, 09-7890, 09-7894, 09-7893, 09-7904, 09-7899, 09-7896, 10-1281, 10-2261, 10-2246, 10-2231, 10-2232, 10-2233, 10-2234, 10-2297, 09-7925	M.D. La.
12-cv-01230	<i>Lowrey, et al v. Monaco Coach</i>	09-4727, 09-7093, 09-7794, 09-7815, 10-1258, 10-2265	M. D. La.
12-cv-01231	<i>Davis, et al v. Forest River, Inc.</i>	09-7070, 09-7072, 09-7889, 09-7892, 10-1265	M.D. La.