

**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
ALL CASES**

PRETRIAL ORDER NO. 44

In lieu of filing answers and/or motions to dismiss, the Court has previously permitted the defendants to file lists preserving their defenses and/or motions in response to the plaintiffs' individual complaints.

Given the large number of actions that have been filed to date, and that the Court believes will be filed in the future that will be made part of this MDL, the Court enters this order to streamline the process for filing of responsive pleadings, to lessen the administrative burdens on the Court and the parties, to avoid clogging the Court's docket with unnecessary filings, and to preserve all defenses and motions available to the defendants in the individual actions that have been filed and will be filed in the future:

IT IS HEREBY ORDERED that, pursuant to Federal Rule 12, all defendants are granted an extension of time within which to file responsive pleadings to any individual actions that have been filed and transferred as of the date of this order and to any newly-filed actions transferred into this MDL proceeding after the date of this order.

IT IS FURTHER ORDERED that the time period to file responsive pleadings required by Rule 12 is extended until: (a) 30 days after the individual action(s) are remanded to their respective transferor courts by the Judicial Panel on Multidistrict Litigation; or (b) until further order of this Court.

IT IS FURTHER ORDERED that, in addition to the extensions of time granted by this order, each defendant shall file, within 30 days of the date of this order, a single list of defenses and/or motions to be preserved. The list filed by each defendant shall be applicable to all complaints filed before the date of this order and those complaints filed after the date of this order, and shall have the effect of preserving defenses and motions for all complaints filed and transferred to this MDL proceeding. The list filed by each defendant shall not constitute an appearance by any defendant in any action wherein that defendant is not properly named and/or served. The defendants shall have the right to amend their respective preservation lists, if necessary.

NEW ORLEANS, LOUISIANA, this 18th day of August, 2009.



KURT D. ENGELHARDT
UNITED STATES DISTRICT JUDGE